8. _Expresses its satisfaction_ with the serious and constructive manner in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are undertaking their functions, and welcomes further efforts of the Committees to improve their methods of work;

9. _Welcomes_ the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights, and appeals to other bodies dealing with similar questions of human rights to respect these uniform standards as expressed in the general comments of the Human Rights Committee;

10. _Also welcomes_ the efforts of the Committee on Economic, Social and Cultural Rights in the preparation of general comments on the provisions of the International Covenant on Economic, Social and Cultural Rights;

11. _Urges_ States parties to fulfil in good time their reporting obligations under the International Covenants on Human Rights whenever so requested by the Committees;

12. _Also urges_ States parties to take duly into account, in implementing the provisions of the Covenants, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights;

13. _Invites_ States parties to give particular attention to dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and to the summary records relating to the examination of those reports by the Committees;

14. _Encourages once again_ all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many languages as possible and to disseminate them as widely as possible in order to make them better known among the general public;

15. _Requests_ the Secretary-General to consider ways and means of assisting States parties to the Covenants in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

16. _Also requests_ the Secretary-General to provide the Human Rights Committee with additional means to deal effectively and in a timely manner with the increasing workload under the Optional Protocols;

17. _Further requests_ the Secretary-General to submit to the Commission on Human Rights, at its fiftieth session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the

International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations;

18. Decides to include in the provisional agenda of its fiftieth session the agenda item entitled "Status of the International Covenants on Human Rights".

42nd meeting
26 February 1993
[Adopted without a vote. See chap. XVII.]

1993/16. Effective functioning of bodies established pursuant to United Nations human rights instruments

The Commission on Human Rights,

Recalling its resolution 1992/15 of 21 February 1992 and General Assembly resolution 47/111 of 16 December 1992, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Recalling that the General Assembly, in its resolution 47/111, reaffirmed its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the Assembly and, in this connection, further reaffirmed the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments,

(b) Securing sufficient financial resources to overcome existing difficulties with their effective functioning,

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing concern also about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations human rights instruments, Recalling the conclusions and recommendations of the four meetings of persons chairing the human rights treaty bodies held since 1988 and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 46/111 of 17 December 1991 and the Commission on Human Rights in its resolution 1992/15 of 21 February 1992,

Taking particular note of the conclusions and recommendations of the third and fourth meetings of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990 (see A/45/636, annex) and from 12 to 16 October 1992 respectively (A/47/628, annex),

Recalling the study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human instruments prepared by an independent expert (A/44/668, annex), and aware of the need to update this study,

Recalling also that the General Assembly, in its resolution 45/85 of 14 December 1990, endorsed the recommendations of the Task Force on Computerization (see E/CN.4/1990/39, annex) with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by the treaty bodies and requested the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies,

Welcoming the endorsement by the General Assembly in its resolution 47/111 of the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the financing of the committees established under these Conventions from the regular budget of the United Nations,

Noting that before these amendments enter into force, two thirds of the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment must notify in writing the Secretary-General, as depositary, of their acceptance of the change,

Noting the reports of the Secretary-General (A/46/650 and A/47/518) examining the financial, legal and other implications of providing full funding for the operations of all human rights treaty bodies,

1. Welcomes the decision by the General Assembly, in its resolution 47/111, to request the Secretary-General:

(a) To take the appropriate measures to provide for the financing of the committees established under the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment from the regular budget of the United Nations, beginning with the budget for the biennium 1994-1995,

(b) To take the necessary measures to ensure that the two committees meet as scheduled until the amendments enter into force;

2. Also welcomes the request by the General Assembly to the Secretary-General, in the same resolution, to take the appropriate steps in order to finance the biennial meetings of persons chairing the human rights treaty bodies from the resources available from the regular budget of the United Nations;

3. Urges States parties to notify the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by States parties and the General Assembly for the purpose of funding the respective Committees from the regular budget;

4. Requests the Secretary-General to ensure prompt implementation of these financial measures;

5. Endorses the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, as well as the continuing efforts in this connection by the treaty bodies and the Secretary-General within their respective spheres of competence;

6. Expresses its satisfaction with the study by the independent expert on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, which was presented to the Commission on Human Rights for detailed consideration at its forty-sixth session, and, in the light of the conclusions and recommendations contained in the report of the fourth meeting of persons chairing the human rights treaty bodies, requests that the report of the independent expert be updated for submission to the Commission at its fiftieth session and that an interim report be presented to the General Assembly at its forty-eighth session and be made available to the World Conference on Human Rights in June 1993;

7. Requests the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

8. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures as well as enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies;

9. Further urges all States parties to meet without delay and in full their financial obligations under the relevant human rights instruments;

10. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies on the importance of technical assistance and advisory services and, further to this end, invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

11. Endorses the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies;

12. Reiterates its conviction that in standard-setting every effort should be made to maximize normative consistency and that any new standards should take full account of the factors enumerated in General Assembly resolution 41/120 of 4 December 1986;

13. Requests the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting the States Members of the United Nations, in particular States which are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system;

14. Also requests the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

15. Further requests the Secretary-General to ensure that recent periodic reports of States parties to treaty-monitoring bodies and the summary records of committee discussions pertaining to them are made available in the United Nations information centres in the countries submitting those reports;

16. Requests the Secretary-General to ensure that the United Nations Manual on Human Rights Reporting is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fourth meeting of the persons chairing the human rights treaty bodies (A/47/628, annex, para. 59);

17. Decides to consider the question on a priority basis at its fiftieth session under the agenda item "Effective functioning of bodies established pursuant to United Nations human rights instruments".

42nd meeting
26 February 1993
[Adopted without a vote. See chap. XVIII.]

1993/17. Question of Western Sahara

The Commission on Human Rights,

Having considered the question of Western Sahara, _Reaffirming_ the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its earlier resolutions, the latest of which is resolution 1992/18 of 28 February 1992,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro to the proposals of the Secretary-General of the United Nations and the current Chairman of the Conference of Heads of State and Government of the Organization of African Unity, in the framework of their joint mission of good offices,

Recalling further Security Council resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991 and 725 (1991) of 31 December 1991 relating to the question of Western Sahara,

Recalling with satisfaction the entry into force of the cease-fire in Western Sahara on 6 September 1991, in accordance with the proposal of the Secretary-General accepted by both parties,

Noting with satisfaction the appointment, on 23 March 1992, of Mr. Sahabzada Yaqub-Khan as Special Representative of the Secretary-General for the question of Western Sahara,

Taking note with satisfaction of the part relating to Western Sahara in the Final Declaration of the Tenth Conference of Heads of State or Government of Non-aligned Countries, held at Jakarta from 1 to 6 September 1992,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/47/23 (Part V), chap. IX),

Having also examined the report of the Secretary-General (A/47/506),

1. _Takes note with appreciation_ of the report of the Secretary-General;

2. _Pays tribute_ to the Secretary-General for his action with a view to settling the question of Western Sahara through the implementation of the settlement plan;

3. _Reaffirms its support_ for the efforts which the Secretary-General will continue to make for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in accordance with resolutions 658 (1990) and 690 (1991) in which the Security Council adopted the settlement plan for the question of Western Sahara;

4. Endorses the content of the letter dated 31 August 1992 from the President of the Security Council addressed to the Secretary-General (S/24504), in which the members of the Council express the view that both parties must scrupulously abide by the cease-fire and abstain from any provocative behaviour endangering the settlement plan, and express the hope that both parties will extend their full cooperation to the Secretary-General and the Special Representative in their efforts to achieve speedy progress in the implementation of the plan and that they will make extraordinary efforts to ensure the success of the plan;

5. Recalls that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the Assembly at its forty-eighth session;

6. Decides to follow the development of the situation in Western Sahara and to consider the question at its fiftieth session, as a matter of high priority, under the agenda item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

42nd meeting
26 February 1993
[Adopted without a vote. See chap. IX.]

1993/18. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa

The Commission on Human Rights,

Recalling all relevant General Assembly resolutions on this matter, in particular resolution S-16/1 of 14 December 1989, adopted by consensus, containing the Declaration on Apartheid and its Destructive Consequences in Southern Africa, and resolutions 45/176 A of 19 December 1990 and 46/79 A of 13 December 1991, also adopted by consensus,

Noting with satisfaction that the fundamental principles for a new constitutional order set out in the Declaration are receiving broad acceptance in South Africa,

Bearing in mind its resolutions on the subject adopted since 1977, in particular its resolution 1991/17 of 1 March 1991,

Taking into account the relevant decisions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, in particular at its twenty-seventh ordinary session, held at Abuja from 3 to 5 June 1991 (A/46/390, annex II), *Taking note* of all relevant resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, particularly resolution 1991/1 of 20 August 1991, adopted without a vote,

Strongly convinced that assistance, especially military assistance, given to the minority regime of South Africa has remained the most effective instrument of maintaining the system of apartheid,

Recognizing the responsibility of the United Nations and the international community, as envisaged in the Declaration, to continue to take all necessary measures aimed at the eradication of apartheid, in particular by adhering to the programme of action contained in the Declaration,

Noting the statement by the Special Rapporteur of the Sub-Commission, Mr. Ahmed Khalifa, in presenting his updated report (E/CN.4/Sub.2/1992/12 and Add.1), that in the light of recent events the continued updating of the list of institutions giving support to the South African regime contained in the addendum to the report would no longer serve the purpose for which it was intended,

1. *Expresses its appreciation* to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for his updated report;

2. *Reaffirms its support* for the legitimate struggle of the South African people for the total eradication of apartheid and the establishment of a united, non-racial and democratic South Africa in which all its people, irrespective of race, colour, sex or creed, will enjoy the same fundamental freedoms, human rights and economic and social rights;

3. *Condemns* the assistance rendered to South Africa, particularly in the military and nuclear fields, and expresses its conviction that this assistance constitutes a hostile act against the people of South Africa and the neighbouring States;

4. *Notes with appreciation* the important measures taken by numerous States, parliamentarians, institutions, trade unions and non-governmental organizations in order to exert pressure on South Africa, and calls upon them to maintain their efforts to urge the South African authorities to comply with the United Nations resolutions and decisions on South Africa;

5. *Calls upon* all Governments that have not yet done so to take measures to end military cooperation with South Africa, as well as assistance in the manufacture of arms and military supplies in South Africa, and in particular to cease all collaboration with South Africa in the nuclear field;

6. *Appeals* to the international community to render all possible assistance to the front-line and neighbouring States to enable their economies to recover from the effects of years of destabilization;

7. Calls upon all Governments to maintain measured and appropriate pressure against South Africa until agreement has been reached on transitional arrangements and modalities for the process of drawing up and adopting a new constitution and the holding of elections with a view to achieving an irreversible transition to a united, democratic and non-racial South Africa;

8. Appeals to the international community, the specialized agencies and governmental and non-governmental organizations to increase humanitarian and legal assistance to the victims of apartheid, returning refugees and exiles and released political prisoners;

9. Also appeals to the international community to increase its material, financial and other contributions to the victims and opponents of apartheid, particularly in the areas of education, health, housing and social welfare;

10. Requests the Secretary-General to continue to ensure the coordination of activities of the United Nations system in fulfilment of the Declaration on Apartheid and its Destructive Consequences in Southern Africa and to continue monitoring the implementation of the Declaration, as well as pursuing appropriate initiatives to facilitate all efforts leading to the eradication of apartheid;

11. Also requests the Secretary-General to report on the implementation of the present resolution to the Commission at its fiftieth session;

12. Further requests the Secretary-General to give the report the widest dissemination, to issue it as a United Nations publication and to make it available to learned societies, research centres, universities, political and humanitarian organizations and other interested groups;

13. Decides to consider the issues raised by the present resolution at its fiftieth session under the agenda item "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime in South Africa".

43rd meeting
26 February 1993
[Adopted by a roll-call vote of 30 to 12,
with 9 abstentions. See chap. VI.]

1993/19. Monitoring the transition to democracy in South Africa

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/6 of 21 August 1992, Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

43rd meeting
26 February 1993
[Adopted without a vote. See chap. VI.]

1993/20. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Recalling its resolutions 1991/11 of 22 February 1991 and 1992/8 of 21 February 1992,

Recalling also its resolution 1992/41 of 28 February 1992 on human rights and thematic procedures,

Recalling further Sub-Commission on Prevention of Discrimination and Protection of Minorities resolutions 1990/1 and 1990/2 of 20 August 1990 and 1992/5 of 21 August 1992,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Considering that, despite the efforts thus far of the international community, the principal objectives of the two decades to combat racism and racial discrimination have not been attained and that millions of human beings continue to be the victims of varied forms of racism, racial discrimination and apartheid,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, and on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups,

Conscious also that impunity for crimes motivated by racist and xenophobic attitudes does contribute to weakening the rule of law, and tends to encourage recurrence of those crimes, *Concerned* that, in many parts of the world, despite all efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence resulting therefrom persist, among them manifestations occurring particularly in developed countries,

Concerned also that, in many parts of the world, ethnic, cultural, linguistic, religious and other minorities are suffering from discrimination and discriminatory treatment,

Aware of the growing magnitude of the phenomena of racism, racial discrimination, xenophobia and related intolerance in segments of many societies and their consequences for migrant workers,

Conscious that the scourges of racism and racial discrimination are continually assuming new forms, requiring a periodic re-examination of the methods used to combat them,

Convinced, however, that racism and racial discrimination, in whatever form, are intensified by, *inter alia*, conflicts over economic resources, in developed as well as in developing countries, and can best be defeated by a combination of economic, legislative and educational measures,

Reaffirming that all human rights and fundamental freedoms, economic, social and cultural, as well as civil and political, are indivisible and interrelated,

Convinced of the need for the proclamation by the General Assembly of a third decade to combat racism and racial discrimination, to begin in 1993, as a means of intensifying international efforts in this field, particularly through international economic cooperation,

Having considered the report of the Secretary-General on measures to combat racism and racial discrimination submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session (E/CN.4/Sub.2/1992/11),

1. *Takes note with appreciation* of the report of the Secretary-General and expresses its deep concern at the reported serious incidents attributable to racism, racial discrimination and xenophobia that take place in many parts of the world;

2. *Recommends* that the General Assembly take appropriate steps in due course to launch a third decade to combat racism and racial discrimination, to begin in 1993;

3. *Emphasizes* the obligation of the international community to take urgent measures to eradicate apartheid completely and to combat all other forms of racism, racial discrimination, xenophobia and related intolerance, including those practised against vulnerable groups;

4. *Confirms* the importance, in the struggle against racism and racial discrimination, of a complementarity of economic, social, educational and

information measures at the national level, including legislative, administrative and penal measures and of measures taken at the international level;

5. Recognizes the important role that can be played in this regard by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as the need for more effective coordination between the Centre for Human Rights and organizations of the United Nations system which undertake operational activities for development;

6. Welcomes the efforts of the Committee on the Elimination of Racial Discrimination to fulfil its mandate;

7. Recognizes the importance of activities aimed at directly assisting vulnerable groups to strengthen their participation in national economic, social and political life;

8. Appeals to all Governments to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

9. Urges all Governments to undertake immediate measures and to develop strong policies effectively to combat racism and eliminate discrimination;

10. Decides, in particular in the light of recent trends, to appoint, for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, and requests the special rapporteur to report thereon to the Commission on an annual basis, beginning at its fiftieth session;

11. Requests the Secretary-General to provide the special rapporteur with all necessary assistance, in particular the staff and resources required to perform his or her functions, especially in carrying out missions and following them up;

12. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 6]

48th meeting
2 March 1993
[Adopted without a vote. See chap. XVI.]

1993/21. Respect for the right of everyone to own property alone as well as in association with others

The Commission on Human Rights,

Recalling General Assembly resolution 45/98 of 14 December 1990, Recalling also its resolutions 1991/19 of 1 March 1991 and 1992/21 of 28 February 1992 and Economic and Social Council decision 1991/236 of 31 May 1991, which established the mandate of an independent expert on the right to own property alone as well as in association with others,

Recognizing that there exist in the world many forms of property ownership,

Recognizing also the necessity of concluding the analysis of the numerous forms of legal property ownership,

Taking note of the report of the independent expert (E/CN.4/1993/15),

1. Welcomes the report of the independent expert on the means whereby the right of everyone to own property alone as well as in association with others contributes to the exercise of fundamental freedoms;

2. Expresses its appreciation to the independent expert for his report, his thoughtful analysis of the relevant issues and his conclusions that property ownership is an essential basis of the economic system of any given society and that intellectual property must also be protected;

3. Decides to renew the mandate of the independent expert for one year so that he may complete his report using the observations and comments submitted by Governments and intergovernmental and non-governmental organizations which could not be included owing to the time when they were received;

4. Requests the Secretary-General to provide assistance to the independent expert and to transmit the report of the independent expert to all Member States and interested intergovernmental and non-governmental organizations;

5. Decides to consider the report of the independent expert at its fiftieth session, under the same agenda item, and to conclude its consideration of this matter upon receipt of that report.

53rd meeting
4 March 1993
[Adopted without a vote. See chap. VII.]

1993/22. The right to development

The Commission on Human Rights,

Recalling the resolutions of the General Assembly and its own resolutions on the right to development,

Reaffirming the principles contained in the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, Recalling the report on the Global Consultation on the Realization of the Right to Development as a Human Right (E/CN.4/1990/9/Rev.1),

Noting that economic development and respect for human rights are twin foundations of peaceful and friendly relations among nations and that, therefore, the United Nations has a duty to promote the right to development under Article 55 of the Charter,

Recalling General Assembly resolution 47/123 of 18 December 1992, in which the Assembly requested the Secretary-General to submit to the Commission on Human Rights at its forty-ninth session concrete proposals on the effective implementation and promotion of the Declaration on the Right to Development, and also requested the Office of the Under-Secretary-General for Economic and Social Development and the Centre for Human Rights to continue the coordination of the various activities with regard to the implementation of the Declaration,

Recalling also that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Taking note of the report of the Secretary-General (E/CN.4/1993/16) containing his concrete proposals for the effective implementation and promotion of the Declaration on the Right to Development, prepared in accordance with Commission resolution 1992/13 of 21 February 1992,

Mindful that it has entered a new phase in its consideration of this matter which is directed towards the implementation and further enhancement of the right to development,

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

Noting with interest the final documents of the Tenth Conference of Heads of State or Government of Non-aligned Countries, held at Jakarta from 1 to 6 September 1992,

Welcoming the Final Declaration adopted at Tunis by the Regional Meeting for Africa of the World Conference on Human Rights (A/CONF.157/AFRM/14-A/CONF.157/PC/57, chap. I) and the San José Declaration on Human Rights adopted by the Regional Meeting for Latin America and the Caribbean (A/CONF.157/LACRM/15-A/CONF.157/PC/58, chap. I),

1. Recalls that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural, and political development, in which all human rights and fundamental freedoms can be fully realized;

2. Recalls also that all human beings have a responsibility for development, individually and collectively, taking into account the need for

full respect for their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfilment of the human being, and they should therefore promote and protect an appropriate political, social and economic order for development;

3. Recognizes that the biggest obstacles to the realization of the right to development lie at the international macro-economic level as reflected in the widening gap between the North and the South, the rich and the poor;

4. Recognizes also the existence of impediments at the national level;

5. Notes with concern the lack of coordination in the United Nations system of the effective implementation of the principles contained in the Declaration on the Right to Development;

6. Urges all relevant bodies of the United Nations system, particularly the specialized agencies, when planning their programmes of activities, to take due account of the Declaration and to make efforts to contribute to its application;

7. Encourages all States, when formulating their national policy and development plans, to include explicit provisions on the right to development and to give special consideration to all basic human needs, particularly in the fields of education, primary health care, nutrition and employment;

8. Recalls that in its resolution 47/123, the General Assembly called upon the World Conference on Human Rights and its Preparatory Committee to take fully into account the Declaration in examining the relationship between economic and social development, democracy and the enjoyment of human rights and the indivisibility and interdependency of economic, social, cultural, civil and political rights, and the fact that economic and social progress facilitates the growing trend towards democracy and the promotion and protection of human rights;

9. Takes note with appreciation of the report of the Secretary-General containing concrete proposals for the effective implementation and promotion of the Declaration on the Right to Development;

10. Decides to establish, initially for a three-year period, a working group on the right to development, composed of fifteen experts nominated by Governments to be appointed by the Chairman of the Commission on Human Rights at its forty-ninth session, on the basis of equitable geographical representation and in consultation with the regional groups in the Commission, with the following mandate:

(a) To identify obstacles to the implementation and realization of the Declaration on the Right to Development, on the basis of information furnished by Member States and other appropriate sources;

(b) To recommend ways and means towards the realization of the right to development by all States;

11. Requests the working group to submit to the Commission at its fiftieth session an initial, comprehensive report on the obstacles affecting the implementation of the Declaration and to continue reporting to the Commission, on a yearly basis, on its work;

12. Requests the Secretary-General to ensure that the working group receives all necessary assistance, in particular the staff and resources required to fulfil its mandate;

13. Also requests the Secretary-General to invite Governments and intergovernmental organizations to communicate to the Advisory Services, Technical Assistance and Information Branch sample projects on the effective implementation of the Declaration on the Right to Development;

14. Requests the Economic and Social Council at its substantive session for 1993 and the General Assembly at its forty-eighth session under the agenda item "Human rights questions" to give particular attention to the question of the implementation of the principles contained in the Declaration on the Right to Development;

15. Decides to consider the agenda item "Question of the realization of the right to development" at its fiftieth session.

53rd meeting
4 March 1993
[Adopted by a roll-call vote of 36 to 1,
with 13 abstentions. See chap. VIII.]

1993/23. Succession of States in respect of international human rights treaties

The Commission on Human Rights,

Affirming that the consistent and effective implementation of international human rights instruments is of major importance to the strengthening of peace, international cooperation and promotion of universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind the considerable changes within the international community, connected with the dissolution of States and the emergence of successor States,

Considering that as successor States they shall succeed to international human rights treaties to which the predecessor States have been parties and continue to bear responsibilities,

Emphasizing the special importance of the observance of universal norms and standards on human rights for the maintenance of stability and the rule of law in any State, Noting that the confirmation of successor States to appropriate depositaries that they continue to fulfil international human rights treaty obligations of the predecessor State is important in facilitating full and effective cooperation between successor States and United Nations human rights bodies in the promotion of universal enjoyment of human rights and fundamental freedoms,

1. Encourages successor States to confirm to appropriate depositaries that they continue to be bound by obligations under relevant international human rights treaties;

2. Expresses its satisfaction that some successor States have already confirmed their succession to international human rights treaties to which the predecessor States were parties or have become parties to such treaties to which the predecessor States were not parties;

3. Urges successor States that have not yet done so to accede to or ratify those international human rights treaties to which the predecessor States were not parties;

4. Requests the Secretary-General to render advisory services with respect to succession or accession to international human rights treaties to successor States which are Members of the United Nations and to report to the Commission on Human Rights at its fiftieth session in regard to action taken under this agenda item;

5. Decides to continue the consideration of this question at its fiftieth session under the agenda item entitled "Status of the International Covenants on Human Rights".

57th meeting
5 March 1993
[Adopted without a vote. See chap. XVII.]

1993/24. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Welcoming General Assembly resolution 47/135 of 18 December 1992, by which the Assembly adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the text of which is annexed to that resolution,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of the Declaration,

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities, Welcoming the increased attention given by human rights treaty bodies to the non-discrimination and protection of minorities,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Noting the growing frequency and severity of disputes and conflicts concerning minorities in many countries, and their often tragic consequences,

Noting the importance of an even more effective implementation of international human rights instruments with regard to the rights of all persons, including those belonging to national or ethnic, religious and linguistic minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole,

Wishing to strengthen respect for the principles of the Declaration with a view to preventing disputes involving minorities,

Noting with appreciation the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on ways and means of facilitating the peaceful and constructive solution and management of problems involving minorities by, inter alia, early warning and early action, communication and dialogue among the parties concerned, and looking forward to the final report of the Special Rapporteur of the Sub-Commission, Mr. Asbjørn Eide,

Believing that, as one means of promoting the Declaration, community mediation and other forms of voluntary dispute avoidance or resolution can contribute to the prevention or management of conflicts concerning minorities,

Believing also that the programme of advisory services and technical assistance of the Centre for Human Rights can play a useful role in providing expertise, advice and services related to minorities,

1. Calls upon all States to promote and give effect as appropriate to the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the General Assembly;

2. Urges all treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to give due regard to the Declaration, as appropriate, within their mandates;

3. *Invites* intergovernmental and non-governmental organizations to continue to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

4. *Calls upon* the Secretary-General to make available, at the request of Governments, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified experts familiar with minority issues, as well as with the prevention, resolution and/or management of disputes, to assist in existing or potential situations involving minorities;

5. *Encourages* Governments to consider availing themselves of such advisory services and technical assistance;

6. *Requests* the Secretary-General, in the implementation of the present resolution, to provide additional human and financial resources for such advisory services and technical assistance of the Centre for Human Rights, within the existing overall resources of the United Nations;

7. *Requests* the Secretary-General to report on the implementation of the present resolution under the same agenda item to the Commission at its fiftieth session.

57th meeting
5 March 1993
[Adopted without a vote. See chap. XX.]

1993/25. *Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*

The Commission on Human Rights,

Recalling that all States have pledged themselves to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Recalling General Assembly resolution 36/55 of 25 November 1981, by which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Taking note of General Assembly resolution 47/129 of 18 December 1992, in which the Assembly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration, Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

Conscious of the importance of education in ensuring tolerance with respect to religion and belief,

Alarmed that serious incidents of intolerance and discrimination on the grounds of religion or belief occur in many parts of the world, including acts of violence, as evidenced in the report of the Special Rapporteur, Mr. Angelo Vidal d'Almeida Ribeiro (E/CN.4/1993/62 and Corr.1 and Add.1).

Conscious that incidents of discrimination and intolerance carried out by persons or groups of persons on the grounds of religion or belief continue to occur in many parts of the world,

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Expresses its thanks to the Special Rapporteur and takes note of his report and the various views expressed thereon during the forty-ninth session of the Commission;

3. Urges States to ensure that their constitutional and legal systems provide adequate guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

4. Recognizes that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

5. Urges all States, therefore, to take all appropriate measures to combat hatred, intolerance and acts of violence, including those motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

6. Also urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

7. *Calls upon* all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

8. *Also calls upon* all States in accordance with their national legislation to exert their utmost efforts to ensure that religious places, buildings and shrines are fully respected and protected;

9. *Recognizes* that the exercise of tolerance and non-discrimination by persons and groups of persons is necessary for the full realization of the aims of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

10. *Considers* it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure that appropriate measures are taken to this end in the World Public Information Campaign for Human Rights;

11. *Reiterates, therefore, its invitation* to the Secretary-General to continue to give priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief in all the official languages of the United Nations and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies;

12. *Encourages* the Special Rapporteur to continue to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

13. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

14. *Recommends* that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work of the United Nations programme of advisory services in the field of human rights, including with regard to the drafting of basic legal texts in conformity with international instruments on human rights and taking into account the provisions of the Declaration;

15. *Encourages* the Special Rapporteur to consider whether the programme of advisory services in the field of human rights might be of assistance in certain situations, at the request of States, and to make appropriate recommendations in this regard;

16. *Welcomes* the intention of the Human Rights Committee to make available soon a general comment on article 18 of the International Covenant on Civil and Political Rights, dealing with freedom of thought, conscience and religion;

17. Also welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration, including the submission of their views to the Preparatory Committee for the World Conference on Human Rights;

18. Invites interested non-governmental organizations to consider what further role they could envisage playing in the implementation of the Declaration and its dissemination in national and local languages;

19. Calls upon all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages;

20. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to report to the Commission at its fiftieth session;

21. Also requests the Secretary-General to report to the Commission at its fiftieth session on measures taken to implement the present resolution;

22. Decides to continue its consideration of the question at its fiftieth session under the agenda item "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

57th meeting
5 March 1993
[Adopted without a vote. See chap. XXII.]

1993/26. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The Commission on Human Rights,

Recalling article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights, which state that no one shall be held in slavery or servitude,

Affirming that the struggle to eliminate slavery includes the provision of assistance to the victims and to the representatives of non-governmental organizations dealing with issues of contemporary forms of slavery,

Bearing in mind General Assembly resolution 46/122 of 17 December 1991, in which the Assembly decided to establish a voluntary trust fund on contemporary forms of slavery,

Convinced that the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery will play an important role in the protection of the human rights of victims of contemporary forms of slavery,

1. Welcomes the appointment by the Secretary-General of a Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, in accordance with General Assembly resolution 46/122;

2. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis;

3. Requests the Secretary-General to transmit to all Governments the appeal of the Commission on Human Rights for contributions to the Fund;

4. Also requests the Secretary-General to make use of all existing possibilities to assist the Board of Trustees of the Fund, inter alia, through the preparation, production and dissemination of information material, in its efforts to make the Fund and its humanitarian work better known.

57th meeting
5 March 1993
[Adopted without a vote. See chap. XIX.]

1993/27. Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling the provisions of the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, as well as article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights, which state that no one shall be held in slavery or servitude,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its seventeenth session (E/CN.4/Sub.2/1992/34 and Corr.1), submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session,

Having considered the relevant Sub-Commission resolutions, including the most recent, resolution 1992/2 of 14 August 1992,

Recalling its resolution 1982/20 of 10 March 1982 on the question of slavery and the slave trade in all their practices and manifestations and its resolutions on the reports of the Working Group on Contemporary Forms of Slavery of the Sub-Commission, including the most recent, resolution 1992/47 of 3 March 1992, Recalling Economic and Social Council resolutions 1982/20 of 4 May 1982 and 1983/30 of 26 May 1983 on the suppression of the traffic in persons and of the exploitation of the prostitution of others, and the recommendations contained in resolution 1983/30,

Recalling also Economic and Social Council resolutions 1988/34 of 27 May 1988, 1989/74 of 24 May 1989, 1990/46 of 25 May 1990, 1991/35 of 31 May 1991 and 1992/10 of 20 July 1992,

Recalling further General Assembly resolutions 38/107 of 16 December 1983 and 40/103 of 13 December 1985 on the prevention of prostitution,

Gravely concerned that slavery, the slave trade, slavery-like practices and even modern manifestations of this phenomenon still exist, representing some of the gravest violations of human rights,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its valuable work, in particular the progress made at its seventeenth session in implementing its programme of work, and for its continued broad approach and flexible methods of work;

2. Expresses its grave concern at manifestations of contemporary forms of slavery as reported to the Working Group;

3. Requests the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Sub-Commission regular reports on the situation in their countries, as provided for under the Conventions and in Economic and Social Council decision 16 (LVI) of 17 May 1974, which contains the mandate of the Working Group on Contemporary Forms of Slavery;

4. Invites those eligible States that have not ratified or acceded to the relevant Conventions to consider doing so as soon as possible, or to explain in writing, if they so wish, why they feel unable to do so, and invites them to consider providing information regarding their national legislation and practices in this field;

5. Invites intergovernmental organizations, relevant organizations of the United Nations system, including the United Nations Children's Fund, the United Nations Development Programme, the United Nations University, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Bank, the International Monetary Fund and the World Tourism Organization, as well as the International Criminal Police Organization and non-governmental organizations concerned, to continue to supply relevant information to the Working Group on Contemporary Forms of Slavery;

6. Appeals to all Governments to send representatives to the meetings of the Working Group;

7. Encourages the Sub-Commission, including its Working Group, to continue to elaborate recommendations on the ways and means of establishing an effective mechanism for the implementation of the Conventions on slavery on the basis of the study prepared by the Secretary-General on this issue (E/CN.4/Sub.2/1989/37);

8. Recalls once again its request to the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery, and requests the Secretary-General to report on the measures taken for this purpose to the Working Group at its eighteenth session and to the Commission on Human Rights at its fiftieth session;

9. Again requests the Secretary-General to reassign to the Working Group a full-time Professional staff member of the Centre for Human Rights, as was the case in the past, under the post which has been included in the budget of the Centre for questions relating to slavery, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre on issues relating to contemporary forms of slavery, and to report on the measures taken for this purpose to the Working Group at its eighteenth session and to the Commission on Human Rights at its fiftieth session;

10. Calls upon all relevant non-governmental organizations, including those interested in the rights of children and women, to attend the sessions of the Working Group;

11. Endorses the recommendation of the Sub-Commission in its resolution 1992/2 of 14 August 1992 that arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

12. Recommends that Governments avail themselves of the possibility of requesting assistance under the United Nations programme of advisory services in the field of human rights and of the technical assistance programmes of the specialized agencies, in particular that of the International Labour Office;

13. Also recommends that the supervisory bodies of the International Labour Organisation give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery;

14. Further recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining periodic reports of the States parties, give particular attention to the implementation of articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of

the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34, 35, 36 and 39 of the Convention on the Rights of the Child, and that these Committees include specific questions in their guidelines for reporting with a view to preventing and combating contemporary forms of slavery;

15. Invites once again the Special Rapporteur on the sale of children to examine ways and means of further cooperating with the Working Group on Contemporary Forms of Slavery;

16. Recalls that the Economic and Social Council in its resolution 1992/10 requested the Secretary-General to submit a further report to the Council on the steps taken by Member States, organizations of the United Nations system and intergovernmental organizations to implement the recommendations contained in Council resolution 1983/30, and invites the Working Group to take these reports into account, inter alia when identifying lacunae and policy options;

17. Invites all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups, such as children and migrant women, against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve these objectives;

18. Requests Governments to pursue a policy of information, prevention and rehabilitation of children and women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that effect;

19. Recommends that these concerns be fully considered by the Working Group at its eighteenth session.

57th meeting
5 March 1993
[Adopted without a vote. See chap. XIX.]

1993/28. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Taking note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fourth session (E/CN.4/1993/2),

Expressing its appreciation for the positive contribution made by the Sub-Commission to the work of the Commission in the promotion and protection of human rights,

Recalling the terms of reference of the Sub-Commission as defined by the Commission and its particular responsibilities established, inter alia, in

Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970 and the relevant resolutions of the General Assembly,

Recalling also its resolution 1992/66 of 4 March 1992, in which it provided certain guidelines for the work of the Sub-Commission, and Economic and Social Council resolution 1991/32 of 31 May 1991 on strengthening the independence of the experts members of the Sub-Commission,

Taking note of the report of the Chairman of the Sub-Commission at its forty-fourth session (E/CN.4/1993/60) and the proposals contained therein,

Noting with appreciation the intensified dialogue and the spirit of cooperation between the Commission and the Sub-Commission through the mutual exchange of information by their respective chairpersons, in accordance with paragraphs 17 and 18 of Commission resolution 1990/64 of 7 March 1990,

Convinced of the need for a further strengthening of substantial and meaningful dialogue between the Commission and the Sub-Commission,

Also convinced that it is essential that the impartiality and objectivity of the Sub-Commission and the independent status of its members and their alternates should continue to be its guiding principles,

Further convinced that the credibility and effectiveness of the Sub-Commission as an expert human rights body are dependent on Governments nominating and the Commission electing as members and alternates of the Sub-Commission only individuals who possess genuine expertise in the field of human rights and who are able to act independently of their Governments,

Stressing the valuable role that the Sub-Commission, as a body of independent experts, can play, inter alia, in addressing new developments in the field of human rights and also in providing a forum for the contributions of non-governmental organizations in the field of new developments,

Mindful of the important contribution in general that non-governmental organizations in consultative status with the Economic and Social Council make to the work of the Sub-Commission, in conformity with the principles embodied in Council resolutions 1296 (XLIV) of 23 May 1968 and 1919 (LVIII) of 5 May 1975,

Welcoming the report of the inter-sessional working group on the methods of work of the Sub-Commission established pursuant to Commission resolution 1992/66 (E/CN.4/Sub.2/1992/3 and Add.1) and the results of the work of the group,

Convinced that it is highly appropriate for the Commission to give considered attention to the work of the Sub-Commission and thereby maintain the effectiveness of both bodies in their respective roles, Reaffirming that it remains important for the Commission to give guidance to the Sub-Commission, and for the Sub-Commission to follow that guidance, in the light of the mandate already granted to it, in order to ensure the complementarity of its activities with those of the Commission,

1. Reaffirms that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

2. Calls upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council;

3. Takes note with appreciation of the significant steps taken by the Sub-Commission to rationalize and streamline its work;

4. Welcomes Sub-Commission resolution 1992/8 of 26 August 1992 and the guidelines annexed thereto;

5. Invites the Sub-Commission to continue its consideration of ways in which its work should be improved with a view to making recommendations on the following points:

(a) Initiatives for a better coordination with the Commission on Human Rights and the other competent organs of the United Nations acting in the field of human rights;

(b) Further strengthening the independence of its experts;

(c) Proposals concerning the rationalization of the agenda, bearing in mind, inter alia, the relationship between the agenda of the Sub-Commission and that of the Commission on Human Rights;

(d) Initiatives which would facilitate the widest possible dissemination of the findings of the Sub-Commission, such as the preparation of a short summary of each completed study, the purpose being that the summaries of all studies completed during a session should be published separately in various languages, for example in the Fact Sheet series of the Centre for Human Rights, thus contributing to better publicity for the studies;

(e) Developing a programme of familiarization with the work of the Sub-Commission for new members and alternates, in particular by providing them in good time with a wide variety of documents of the Sub-Commission and other information material;

6. Reaffirms that one of the tasks of the Sub-Commission is a thorough examination of information concerning alleged human rights violations, as well as the presentation of the results of the examination to the Commission;

7. Requests the Sub-Commission to restrict its requests to the Secretary-General to ask Governments, intergovernmental organizations, the specialized agencies and other such bodies for their views and comments to requests relating to those studies that have received prior explicit approval from the Commission;

8. Invites the Sub-Commission to continue to give due regard to new developments in the field of human rights;

9. Calls upon States to nominate as members and alternates persons meeting the criteria of independent experts, who should discharge in that capacity their functions as members of the Sub-Commission, and to respect fully the independence of elected members;

10. Requests the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all languages in good time before the session;

11. Invites the Chairman of the Commission to inform the Sub-Commission on the debate under this item;

12. Decides to invite the Chairman of the Sub-Commission at its forty-fourth session to come for consultations with the members of the Bureau of the Commission at an appropriate time during the meeting of the Bureau of the Commission at the conclusion of its forty-ninth session and the Chairman of the Sub-Commission at its forty-fifth session to report to the Commission at its fiftieth session on the progress made concerning the issues referred to in the present resolution and on significant aspects of the work of the Sub-Commission.

57th meeting
5 March 1993
[Adopted without a vote. See chap. XIX.]

1993/29. Human rights and disability

The Commission on Human Rights,

Recalling its resolution 1992/48 of 3 March 1992, Economic and Social Council decision 1992/276 of 30 July 1992 and General Assembly resolutions 47/3 of 14 October 1992 and 47/88 of 16 December 1992,

Mindful of the need for persons with disabilities to achieve full and equal enjoyment of human rights and participation in all fields of society,

Recalling the plenary sessions of the General Assembly, held on 12 and 13 October 1992, to mark the conclusion of the United Nations Decade of Disabled Persons, *Mindful* of the need for a long-term strategy to implement the World Programme of Action concerning Disabled Persons to the year 2000 and beyond, resulting from the meeting of experts held at Vancouver, Canada, in April 1992,

Mindful also of the responsibility of Governments in removing or facilitating the removal of barriers and obstacles to the full integration in society of persons with disabilities,

Welcoming the initiative of the Government of Canada in convening the International Conference of Ministers Responsible for the Status of Persons with Disabilities, held at Montreal, Canada, on 8 and 9 October 1992,

1. *Supports* the efforts of Governments in developing national policies to reach specific objectives, taking into account the recommendations of the General Assembly contained in its resolution 47/88 of 16 December 1992 entitled "Towards full integration of persons with disabilities in society: a continuing world programme of action";

2. *Expresses its appreciation* to the Centre for Social Development and Humanitarian Affairs of the Secretariat for its efforts to coordinate and supervise the implementation of the World Programme of Action concerning Disabled Persons;

3. *Appeals* to Member States to highlight the observance of the International Day of Disabled Persons on 3 December every year with a view to the achievement of the full and equal enjoyment of human rights and participation in society by persons with disabilities;

4. *Welcomes* the establishment of a Ministers' Working Group and the decision taken as a result of its initial meeting, held in Paris on 19 January 1993, to create an international mechanism for ministers to promote cooperation and international exchange with respect to the status of persons with disabilities;

5. *Also welcomes* the adoption by the Commission for Social Development at its thirty-third session of the standard rules on the equalization of opportunities for disabled persons;

6. *Encourages* States to implement the standard rules on the equalization of opportunities for disabled persons as an essential element in the full integration into society of persons with disabilities;

7. *Reiterates the invitation* to the human rights treaty bodies, notably the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure the full enjoyment of those rights by disabled persons.

57th meeting
5 March 1993
[Adopted without a vote. See chap. XIX.]

1993/30. International Year of the World's Indigenous People, 1993

The Commission on Human Rights,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without discrimination as to race, sex, language or religion,

Recognizing the value and the diversity of cultures and the forms of social organization of the world's indigenous people,

Reiterating General Assembly resolution 45/164 of 18 December 1990, in which the Assembly proclaimed 1993 as International Year of the World's Indigenous People, with a view to strengthening international cooperation for the resolution of problems faced by indigenous communities in the areas, *inter alia*, of human rights, the environment, development, education and health, recognizing and respecting their cultural heritage,

Conscious of the need to improve the economic, social and cultural situation of the indigenous people with full respect for their particularities and their own initiatives,

Welcoming General Assembly resolution 47/75 of 14 December 1992, in which the Assembly proclaimed the International Year of the World's Indigenous People,

Appreciative of the contributions made to date to the Voluntary Fund for the International Year opened by the Secretary-General,

Noting the establishment of the fund for the development of the indigenous peoples of Latin America and the Caribbean as one kind of support sought for the objectives of the International Year,

Mindful of proposals by representatives of indigenous people in support of achieving the objectives of the International Year,

1. Calls upon the United Nations system and Governments that have not yet done so to develop policies in support of the objectives and the theme of the International Year of the World's Indigenous People and to strengthen the institutional framework for their implementation;

2. Recommends to all thematic rapporteurs, special representatives, independent experts and working groups to pay particular attention, within the framework of their mandates, to the situation of indigenous people;

3. Urges the Coordinator of the International Year to continue to solicit actively the cooperation of specialized agencies, regional commissions, financial and development institutions and other relevant

organizations of the United Nations system for the promotion of the programme of activities contained in the annex to General Assembly resolution 46/128 of 17 December 1991;

4. Appeals to the specialized agencies, regional commissions, financial and development institutions and other relevant organizations of the United Nations system to take into special account the needs of indigenous people in their budgeting and in their programming;

5. Welcomes the recommendation in General Assembly resolution 47/75 to reconvene from within existing resources, in the three working days preceding the eleventh session of the Working Group on Indigenous Populations, the technical meeting provided for in paragraph 8 of General Assembly resolution 46/128 with a view to concluding its deliberations and finalizing its report;

6. Stresses the relevance for the solution of problems faced by indigenous communities of the recommendations contained in chapter 26 of Agenda 21, including their implementation, in the report of the United Nations Conference on Environment and Development (A/CONF.151/26, vol. III);

7. Also stresses that the governmental and intergovernmental activities undertaken within the context of the International Year and beyond should take fully into account the development needs of indigenous people, their own particularities and initiatives and the need for making full use of the contributions which indigenous communities can bring to sustainable national development;

8. Notes that there is a continuing need to improve the availability and the means of dissemination of socio-economic data relating to the development needs of indigenous people and that the International Year should contribute to enhancing and to facilitating the coordination capabilities of Member States for collecting and analysing information in that area;

9. Appeals to Governments, intergovernmental and non-governmental organizations, as well as organizations of indigenous people, to contribute to the Voluntary Fund for the International Year opened by the Secretary-General;

10. Encourages the Preparatory Committee for the World Conference on Human Rights at its fourth session to consider how issues pertinent to the International Year could be addressed within the framework of the Conference, including the substantive participation of indigenous people and the Chairman-Rapporteur of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

11. Authorizes the Chairman-Rapporteur of the Working Group on Indigenous Populations to represent the Working Group of the Sub-Commission at the World Conference on Human Rights;

12. Requests the Working Group on Indigenous Populations, making its best efforts, at its eleventh session, and the Sub-Commission, at its

forty-fifth session, to complete their consideration of the draft universal declaration of indigenous rights and to submit their report to the Commission on Human Rights at its fiftieth session;

13. Requests the Coordinator of the International Year, in the report to the General Assembly at its forty-ninth session on the activities developed and the results achieved within the context of the International Year, to include an account of the response of the United Nations system to the needs of indigenous people.

57th meeting
5 March 1993
[Adopted without a vote. See chap. XIX.]

1993/31. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

Recalling also its resolution 1988/44 of 8 March 1988, in which it urged the Working Group on Indigenous Populations to intensify its efforts in carrying out its plan of action and to continue the elaboration of international standards in this field,

Recalling further its resolutions 1990/62 of 7 March 1990, 1991/59 of 6 March 1991 and 1992/44 of 3 March 1992 in which it recommended to the Economic and Social Council that the Working Group be authorized to meet for ten working days for the purpose of intensifying its efforts to complete a draft declaration on indigenous rights, and the plan contained in the recommendations of the Working Group (E/CN.4/Sub.2/1991/40, annex I) and in the report of the Working Group (E/CN.4/Sub.2/1992/33, chap. VI) for the completion of the first and second readings of the text of the draft declaration,

Having examined the report of the Working Group on its tenth session (E/CN.4/Sub.2/1992/33 and Add.1),

Conscious that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms,

Determined to do everything possible to promote the enjoyment of the human rights and fundamental freedoms of indigenous people, Bearing in mind that international standards must be developed on the basis of the diverse realities of indigenous people in all parts of the world,

Bearing in mind also the need to conclude, as soon as possible, a draft universal declaration on indigenous rights, reflective of the value and diversity of cultures and the forms of social organization of indigenous people,

Reaffirming the decision of the Working Group, at its first session, that its working languages are English and Spanish,

1. Takes note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/33 of 27 August 1992 on the draft universal declaration of indigenous rights;

2. Expresses its appreciation and satisfaction to the Working Group on Indigenous Populations of the Sub-Commission for its valuable work, in particular the progress made at its tenth session in the area of standard-setting;

3. Also expresses its appreciation for the active and constructive participation in the work of the Working Group of observers for Governments, the specialized agencies, non-governmental organizations and, in particular, indigenous people's organizations;

4. Welcomes the recommendation of the Sub-Commission, in its resolution 1992/33, that the Chairman-Rapporteur of the Working Group, Mrs. Erica-Irene A. Daes, be entrusted with the task of further elaborating the paragraphs of the draft universal declaration which were agreed upon at second reading, taking into consideration, inter alia, the comments on the draft declaration which will be provided by Governments, indigenous people's organizations and other interested parties pursuant to the resolution of the Sub-Commission;

5. Requests the Secretary-General to give the Chairman-Rapporteur of the Working Group the resources and assistance necessary to carry out her task;

6. Recommends to the Economic and Social Council that:

(a) The Working Group be authorized to meet for ten working days prior to the forty-fifth session of the Sub-Commission, to make its best efforts to complete a draft declaration on indigenous rights in consultation with interested Governments and indigenous people's organizations;

(b) Upon final adoption of the draft universal declaration on indigenous rights, a report be issued as a United Nations sales publication to ensure its widest distribution;

7. Urges the Working Group to intensify its efforts to continue and to complete as soon as possible the elaboration of international standards based

on a continued and comprehensive review of developments pertaining to the promotion and protection of the human rights of indigenous people and of the situation and aspirations of indigenous people throughout the world;

8. Requests the Secretary-General to give all the necessary assistance to the Working Group in discharging its task, including adequate dissemination of information about the activities of the Working Group, to Governments, specialized agencies and non-governmental and indigenous peoples' organizations, in order to encourage the widest possible participation in its work;

9. Welcomes and strongly endorses the request of the Sub-Commission to the Secretary-General to transmit the revised and reorganized text of the draft declaration to Governments, indigenous peoples' organizations and intergovernmental and non-governmental organizations well in advance of the eleventh session of the Working Group;

10. Requests the Working Group on Indigenous Populations, making its best efforts, at its eleventh session, and the Sub-Commission, at its forty-fifth session, to complete their consideration of the draft universal declaration of indigenous rights and to submit their report to the Commission on Human Rights at its fiftieth session;

11. Requests the Secretary-General:

(a) To transmit the report of the Working Group to Governments, indigenous peoples' organizations and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions aimed at the clarification, simplification and generalization of the texts contained in the annexes to the report;

(b) To ensure that all meetings of the Working Group at its eleventh and future sessions are provided with interpretation and documentation in both English and Spanish;

12. Expresses its gratitude and appreciation to the Governments and organizations that have made contributions to the United Nations Voluntary Fund for Indigenous Populations;

13. Appeals to all Governments, organizations and individuals in a position to do so to consider favourably requests for further contributions to the Fund;

14. Encourages all the initiatives that can be taken by Governments, indigenous communities and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group.

57th meeting
5 March 1993
[Adopted without a vote. See chap. XIX.]

1993/32. The administration of justice and human rights

The Commission on Human Rights,

Recalling its resolution 1992/31 of 28 February 1992, in which it stressed the desirability of providing States, at their request, with continued assistance in the field of the administration of justice,

Recalling also its resolution 1992/52 of 3 March 1992 on regional arrangements for the promotion and protection of human rights,

Welcoming resolution AFRM/14 on the administration of justice and human rights adopted on 6 November 1992 by the Regional Meeting for Africa of the World Conference on Human Rights (see A/CONF.157/AFRM.14-A/CONF.157/PC/57, chap. II),

Emphasizing the principle of the indivisibility and interdependence of all human rights and fundamental freedoms,

Bearing in mind that the validity and universality of human rights must be promoted and protected by all,

Reaffirming the primary responsibility of all Governments to ensure respect and protection for human rights and fundamental freedoms,

Aware that the historical, cultural and traditional contexts should allow each society to develop its own national and regional mechanisms to ensure the promotion and protection of human rights,

Recognizing that the rule of law and proper administration of justice are prerequisites for sustainable economic and social development,

Recognizing also the central role of the administration of justice in the promotion and protection of human rights,

Aware of the importance of national and regional intergovernmental human rights bodies and institutions in the promotion and protection of human rights,

1. Emphasizes that civil and political rights cannot be separated from economic, social and cultural rights or from rights embodied in other international instruments on human rights;

2. Reaffirms the standards set forth in the International Bill of Human Rights, the African Charter on Human and Peoples' Rights and other international and regional human rights instruments;

3. Acknowledges that it is the primary responsibility of all Governments to promote and protect human rights;

4. *Commends* the considerable efforts of African and other developing countries to improve the administration of justice and to promote and protect human rights notwithstanding the limited financial and material resources at their disposal;

5. *Urges* Governments to pay more attention to the needs of the institutions concerned with the administration of justice by allocating more resources to them;

6. *Also urges* Governments to strengthen the existing national and regional human rights institutions, particularly in developing countries, to enable them to contribute more actively to the promotion and protection of human rights;

7. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal aid services with a view to the promotion and protection of human rights;

8. *Appeals* to the international community to provide assistance, at the request of the Governments concerned, for the provision of legal aid services with a view to ensuring the promotion, protection and full enjoyment of human rights in African and other developing countries;

9. *Invites* the international community to respond favourably to requests for financial and technical assistance made by institutions concerned with the promotion and protection of human rights in African and other developing countries with a view to enhancing and strengthening their national capacities to promote and protect human rights consistent with the standards set forth in international and other human rights instruments;

10. *Commends* those developed countries that have over the years given financial assistance to the United Nations programme of advisory services and technical cooperation in the field of human rights, and appeals to them to consider increasing their assistance;

11. *Urges* the Secretary-General to consider favourably applications for assistance made by African Member States and other developing countries regarding the creation and strengthening of national institutions concerned with the administration of justice within the framework of the United Nations programme of advisory services and technical cooperation in the field of human rights.

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/33. Human rights and forensic science

The Commission on Human Rights,

Recalling its resolution 1992/24 of 28 February 1992,

Welcoming the report of the Secretary-General on human rights and forensic science (E/CN.4/1993/20), submitted pursuant to its resolution 1992/24,

Welcoming also the consultations conducted by the Working Group on Enforced or Involuntary Disappearances with certain organizations and individuals in the field of forensic science and human rights and the elaboration by the Working Group of a preliminary scheme for establishing a standing team of forensic experts,

Noting that the need by Governments, intergovernmental organizations and non-governmental organizations for forensic scientific expertise in investigating deaths and clarifying disappearances has been emphasized in the reports of the Working Group and of the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as those of various country rapporteurs,

Noting also that forensic science can help to reunite children of disappeared persons forcefully separated from their parents with their surviving relatives,

Noting further that forensic medicine is an important tool in detecting evidence of torture,

Noting that in many of the countries concerned, sufficient expertise in forensic science and related fields to investigate human rights violations effectively is not available,

Recognizing that training of local teams in responsible exhumation and identification procedures is a prerequisite for the effective investigation of human rights violations,

Aware that a number of Governments have requested the Secretary-General to provide technical assistance in this regard,

Also aware that several special rapporteurs have welcomed efforts towards the institution of a standing team of forensic experts to assist them in carrying out their human rights mandates,

Recalling the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989, Considering the proposed model autopsy protocol prepared under United Nations auspices contained in the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (United Nations publication, Sales No. E.91.IV.1),

1. Invites States to take measures to introduce into their rules and practices the international standards set forth in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, as well as the model autopsy protocol set forth in the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;

2. Requests the Secretary-General to consult with Governments, relevant United Nations bodies, professional organizations of forensic experts, the organizations mentioned in his report and other interested institutions with a view to identifying individual experts who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes;

3. Also requests the Secretary-General to establish, on the basis of these consultations and on the basis of continuing efforts on the part of the Working Group on Enforced or Involuntary Disappearances to render active assistance, a list of forensic experts and experts in related fields who could be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of the disappeared;

4. Further requests the Secretary-General to make this list available to the special rapporteurs and experts of the United Nations human rights mechanisms so that they may request these experts to assist them in evaluating documents and other evidence and to accompany them on country visits;

5. Requests the Secretary-General to provide appropriate resources, within existing overall United Nations resources, to fund the activities of the Centre for Human Rights in implementing the present resolution;

6. Also requests the Secretary-General to report to the Commission at its fiftieth session on progress made in this matter and to make such recommendations as he may consider appropriate;

7. Decides to consider the question at its fiftieth session under the agenda item "Question of the human rights of all persons subjected to any form of detention or imprisonment".

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/34. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its decision 1991/107 of 5 March 1991, in which it decided to consider at its forty-eighth session the text, proposed by the Government of Costa Rica, of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (see E/CN.4/1991/66), intended to establish a preventive system of regular visits to places of detention,

Recalling also its resolution 1992/43 of 3 March 1992, in which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica, and decided to consider the question at its forty-ninth session,

Recalling further Economic and Social Council resolution 1992/6 of 20 July 1992, by which the Council authorized an open-ended working group to meet for a period of two weeks prior to the forty-ninth session of the Commission,

Taking note with satisfaction of the observations presented by Governments, United Nations bodies, the Chairman of the Committee against Torture, the Special Rapporteur on the question of torture, the Chairman of the European Committee for the Prevention of Torture and non-governmental organizations, and of the participation of several of them in the working group on the draft optional protocol,

Considering that the working group, after having received the valuable contributions of experts from various international or regional bodies engaged in combating torture, has achieved useful progress in the context of the initial consideration of the draft optional protocol,

Considering also that most delegations have recognized the importance of periodic visits to places of detention in order to reinforce the protection of persons deprived of freedom against torture and other cruel, inhuman or degrading treatment or punishment, and that such recognition constitutes the fundamental motivation for the continuation of the efforts of the working group to devise an effective mechanism, acceptable to the greatest possible number of States,

Recalling General Assembly resolution 47/113 of 16 December 1992, in which the Assembly noted with appreciation that the open-ended working group of the Commission on Human Rights had embarked on the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

1. Takes note of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1993/28 and Corr.1) and welcomes the substantial progress it has made at its first session, which enabled an exhaustive analysis to be made of the essential basic principles of the draft;

2. Requests the working group to meet between sessions for a period of two weeks prior to the fiftieth session of the Commission in order to continue its work and submit a report to the Commission;

3. Requests the Secretary-General to transmit the report of the working group to Governments, the specialized agencies, the chairmen of the human rights treaty bodies, the Special Rapporteur on the question of torture and the intergovernmental and non-governmental organizations concerned, and to invite them to submit their observations to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies, non-governmental organizations, the Chairman of the Committee against Torture and the Special Rapporteur on the question of torture to participate in the activities of the working group;

5. Further requests the Secretary-General to extend all necessary facilities to the working group for its meetings prior to the fiftieth session of the Commission;

6. Decides to consider the report of the working group at its fiftieth session under the subitem entitled "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" in the context of the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

7. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/35. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, in which the Assembly requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons, Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, and its resolutions 1990/30 of 2 March 1990, 1991/41 of 5 March 1991 and 1992/30 of 28 February 1992,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the General Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Convinced of the need to continue implementing the provisions of General Assembly resolution 33/173 and of the other United Nations resolutions on the question of disappeared persons, with a view to finding solutions for cases of disappearance and helping to eliminate enforced disappearances, duly taking into account the provisions of the Declaration,

Noting General Assembly resolution 47/132 of 18 December 1992,

Deeply concerned at the persistence of the practice of enforced disappearances in various parts of the world,

Concerned at the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of disappeared persons,

Recalling in this connection its resolution 1992/59 of 3 March 1992 on cooperation with representatives of United Nations human rights bodies,

Emphasizing the relevance of its resolution 1992/24 of 28 February 1992 on forensic science to the activities of the Working Group on Enforced or Involuntary Disappearances,

Having considered the report of the Working Group (E/CN.4/1993/25 and Add.1),

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for the way in which it is performing its task, and thanks it for submitting a report to the Commission in accordance with resolution 1992/30;

2. Takes note of the report of the Working Group and thanks it for continuing to improve its methods of work and for recalling the humanitarian spirit underlying its mandate;

3. Requests the Working Group, in its efforts to help to eliminate the practice of enforced disappearances, to submit to the Commission all information it deems necessary and any specific recommendations it may have regarding the fulfilment of its task;

4. Reminds the Working Group of the need to observe, in its humanitarian task, United Nations standards and practices regarding the treatment of communications and the consideration of Government replies;

5. Invites all Governments to take appropriate legislative or other steps to prevent and punish the practice of enforced disappearances, with special reference to the Declaration on the Protection of All Persons from Enforced Disappearance, and to take action to that end nationally, regionally and in cooperation with the United Nations;

6. Notes with concern, as the Working Group stresses in its report, that some Governments have never provided substantive replies concerning disappearances alleged to have occurred in their countries;

7. Deplores the fact that, as the Working Group points out in its report, some Governments have not acted on the recommendations concerning them made in the reports of the Working Group, and requests the Working Group to continue to submit to the Commission information on the follow-up to its recommendations;

8. Urges the Governments concerned, particularly those which have not yet responded to communications transmitted to them by the Working Group, to cooperate with and assist the Working Group so that it may carry out its mandate effectively, and in particular to reply expeditiously to its requests for information;

9. Also urges the Governments concerned to intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

10. Once again urges the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

11. Encourages the Governments concerned to give serious consideration to inviting the Working Group to visit their countries so as to enable the Working Group to fulfil its mandate even more effectively;

12. Urges Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is guaranteed, particularly as regards the prevention of enforced disappearances;

13. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries whenever there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

14. Expresses its profound thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Group's recommendations, and invites them to inform the Working Group of any action they take on those recommendations;

15. Requests the Working Group, pursuant to its mandate, to take into account the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance, and to modify its working methods if necessary;

16. Invites the Working Group to cite in its future reports any obstacles to the proper application of the Declaration, and to recommend means of overcoming them;

17. Also invites the Working Group to continue to consider the question of impunity, drawing in particular on the comments of States and non-governmental organizations, in close collaboration with the rapporteurs appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, with due regard for the relevant provisions of the Declaration;

18. Requests the Working Group to pay attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify these children;

19. Also requests the Working Group to report on its work to the Commission at its fiftieth session and to continue to discharge its mandate discreetly and conscientiously;

20. Requests the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions, especially in carrying out missions, following them up and holding sessions in countries that would be prepared to receive it;

21. Also requests the Secretary-General to keep the Working Group and the Commission on Human Rights regularly informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration on the Protection of All Persons from Enforced Disappearance.

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/36. Question of arbitrary detention

The Commission on Human Rights,

Recalling its resolution 1985/16 of 11 March 1985, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to analyse the available information concerning the practice of administrative detention without charge or trial, and to make appropriate recommendations on the use of this practice,

Recalling also its resolution 1989/38 of 6 March 1989, its decision 1990/107 of 7 March 1990 and its resolution 1992/28 of 28 February 1992, Reaffirming articles 3, 9, 10 and 29 as well as other relevant provisions of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Having taken note with appreciation, at its forty-seventh session, of the revised report by Mr. Louis Joinet on the practice of administrative detention (E/CN.4/Sub.2/1990/29 and Add.1) and of the recommendations formulated therein,

Recalling that the General Assembly, in its resolution 43/173 of 9 December 1988, adopted the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which also covers administrative detention, and that, consequently, there is no longer a purpose in treating the question of administrative detention independently, even if, in certain cases, the procedure of administrative detention gives rise to specific abuses,

Recalling also its resolution 1991/42 of 5 March 1991, in which it decided to create, for a three-year period, a working group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned,

Recalling further that, in its resolution 1992/28 of 28 February 1992, it expressed its satisfaction to the Working Group on Arbitrary Detention at the diligence with which it had devised its methods of work,

Having considered the report of the Working Group (E/CN.4/1993/24),

Having heard the comments made during the forty-ninth session of the Commission,

1. Expresses its appreciation to the Working Group on Arbitrary Detention for the way in which it carries out its task, more particularly for the importance that it attaches to respect for the adversarial procedure in its dialogue with States, and to seeking the cooperation of all those concerned by the cases submitted to it for consideration;

2. Takes note with satisfaction of the Working Group's report and thanks the experts for the rigour with which they have performed their task, in the light of the very specific nature of their mandate of investigating cases;

3. Requests the Working Group to continue, in discharging its mandate, to seek and gather information from Governments and intergovernmental and non-governmental organizations, as well as from the individuals concerned, their families or their legal representatives;

4. Considers that the Working Group, within the framework of its mandate, and aiming still at objectivity, could take up cases on its own initiative;

5. Invites the Working Group to continue to take account, in fulfilling its mandate, of the need to carry out its task with discretion, objectivity and independence and to continue to improve its methods of work;

6. Takes note of the "deliberations" adopted by the Working Group on issues of a general nature (see E/CN.4/1993/24, sect. II) with a view to achieving better prevention and to facilitating the consideration of future cases as well as helping to further strengthen the impartiality of its work;

7. Welcomes the importance that the Working Group attaches to coordination with other mechanisms of the Commission as well as with treaty-monitoring bodies, and invites it to take a position in its next report on the issue of the admissibility of cases submitted to the Working Group when they are under consideration by other bodies;

8. Expresses its profound thanks to Governments which have extended their cooperation to the Working Group and responded to its requests for information, and asks all Governments concerned to demonstrate the same spirit of cooperation;

9. Requests Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its final decision on the character of the detention;

10. Calls upon Governments concerned to pay due heed to the Working Group's decisions and, where necessary, to take appropriate steps and inform the Working Group, within a reasonable period of time, of the follow-up to the Group's recommendations so that it can report thereon to the Commission;

11. Encourages Governments to consider inviting the Working Group to their countries so as to enable the Group to discharge its protection mandate even more effectively and also to make concrete recommendations concerning the promotion of human rights, in the spirit of the advisory or technical assistance services, that may be of help to the countries concerned;

12. Welcomes the fact that the Working Group has been informed of the release of many individuals whose situation had been brought to its attention;

13. Notes with concern that, according to the Working Group, the practice of arbitrary detention is facilitated and aggravated by several factors such as abuse of states of emergency, too vague a definition of offences against State security, and the existence of special jurisdictions;

14. Expresses its concern at the fact that most cases of arbitrary deprivation of liberty are motivated by exercise of the right to freedom of opinion and expression;

15. _Greatly encourages_ States to endeavour to take appropriate measures and ensure that the legislation in these three fields is in conformity with the relevant international instruments;

16. _Also encourages_ States, in accordance with its resolution 1992/35 of 28 February 1992, entitled "Habeas corpus", and with the recommendations of the Working Group, to establish a procedure such as habeas corpus and maintain it in all circumstances, including during states of emergency;

17. _Requests_ the Secretary-General to ensure that the Working Group receives all the necessary assistance, particularly in regard to staffing and appropriate resources to discharge its mandate, including the organization, carrying out and follow-up of missions in countries wishing to invite the Working Group;

18. _Requests_ the Working Group to submit a report to the Commission, at its fiftieth session, and to make all suggestions and recommendations for better fulfilment of its task, particularly in regard to ways and means of ensuring the follow-up to its decisions, in cooperation with Governments;

19. _Decides_ to continue its consideration of the question at its fiftieth session under the agenda item "Question of the human rights of all persons subjected to any form of detention or imprisonment".

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/37. _Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment_

The Commission on Human Rights,

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling further General Assembly resolution 39/46 of 10 December 1984, in which the Assembly adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority,

Bearing in mind its resolution 1992/25 of 28 February 1992, *Taking note* of General Assembly resolutions 47/111 and 47/113, both of 16 December 1992,

Recalling the decision of 9 September 1992 of the States parties to the Convention to delete paragraph 7 of article 17 and paragraph 5 of article 18 of the Convention and to add a new paragraph as paragraph 4 of article 18, stating that the members of the Committee established under the Convention shall henceforth receive emoluments from United Nations resources on such terms as the General Assembly will decide,

Welcoming the endorsement of these amendments by the General Assembly in its resolution 47/111,

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex) and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment (General Assembly resolution 37/194, annex), as well as of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex),

Seriously concerned about the alarming number of cases of torture and other cruel, inhuman or degrading treatment or punishment which continue to be reported from various parts of the world,

Determined to promote full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Considering the important functions of the Committee against Torture under the Convention,

Recalling that in its resolution 1985/33 of 13 March 1985, the Commission decided to appoint a special rapporteur to examine questions relevant to torture and also recalling its subsequent decisions to continue his mandate,

Taking note of the outcome of the first session of the open-ended working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention,

1. *Welcomes* the report of the Committee against Torture on its seventh and eighth sessions (A/47/44);

2. *Takes note* of the report of the Secretary-General (E/CN.4/1993/21) on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. *Encourages* the States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

4. _Stresses_ the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and urges States parties that have not yet paid their assessed contributions to fulfil their obligations forthwith;

5. _Welcomes_ the attention that the Committee against Torture has given to the development of an effective system of reporting on the implementation of the Convention by States parties and especially its revision of the general guidelines for the submission of reports by States parties (CAT/C/4/Rev.2), as well as its practice of formulating concluding observations after the consideration of such reports;

6. _Requests_ the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

7. _Urges_ all States to become parties to the Convention as a matter of priority;

8. _Invites_ all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

9. _Requests_ the Secretary-General to continue to submit to the Commission annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

10. _Decides_ to consider the report of the Secretary-General at its fiftieth session under the agenda sub-item "Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/38. _United Nations Voluntary Fund for Victims of Torture_

The Commission on Human Rights,

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also General Assembly resolution 36/151 of 16 December 1981, in which the Assembly noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture, and Assembly resolution 47/109 of 16 December 1992,

Reaffirming the importance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Bearing in mind its resolution 1992/27 of 28 February 1992,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims of torture and their families,

Taking note of the information provided by the Secretary-General on the activities of the United Nations Voluntary Fund for Victims of Torture (A/47/662),

Taking note also of the actions taken by the Secretary-General, through the staff of the Centre for Human Rights, to assist the Board of Trustees of the Fund in its efforts to increase public awareness of the Fund and its humanitarian work,

Taking note with appreciation of the note by the Secretary-General (E/CN.4/1993/23) submitting the report entitled "Consolidated report on ten years (1982-1992) of the United Nations Voluntary Fund for Victims of Torture",

Recalling the statement by the Board of Trustees of the Fund on the need to receive contributions from Governments on a regular basis, which, inter alia, would prevent the interruption of programmes in the continuation of which the Fund plays an instrumental role,

Taking account of the fund-raising campaign launched on the recommendation of the Board of Trustees at its eleventh session, held from 22 April to 1 May 1992, to enhance the capacity of the Fund to respond more favourably to the increasing number of requests for assistance to victims of torture,

Taking account also of the repeated requests by the Board of Trustees of the Fund to receive for the operations of the Fund adequate staff, as well as computer equipment to process efficiently the increasing number of projects in the programme portfolio of the Fund,

Noting with satisfaction that international centres for the rehabilitation of torture victims have been established which play an important role in providing assistance to victims of torture, and noting the collaboration of the Fund with these centres,

1. Expresses its appreciation to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for the work it has carried out;

2. Expresses its gratitude and appreciation to those Governments, organizations and individuals that have already contributed to the Fund;

3. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, on a regular basis if possible, and to the fund-raising campaign launched in 1992;

4. Calls upon the Secretary-General to consider the possibility of arranging a special pledging session for the Fund in the context of the World Conference on Human Rights, to be held in Vienna from 14 to 25 June 1993;

5. Renews its request to the Secretary-General to transmit to all Governments the appeals of the Commission for contributions to the Fund;

6. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and computer equipment for the operations of the Fund;

7. Also requests the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis.

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/39. Staff members of the United Nations and of the specialized agencies in detention

The Commission on Human Rights,

Recalling General Assembly resolutions 42/219 of 21 December 1987, 43/225 of 21 December 1988, 44/186 of 19 December 1989 and 45/240 of 21 December 1990, in which the Assembly deplored the increase in the number of cases where the functioning, safety and well-being of officials had been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions,

Recalling its resolution 1992/26 of 28 February 1992, in which it requested the Secretary-General to continue his efforts to ensure that the human rights and privileges and immunities of United Nations staff members and experts and their families were fully respected, and to submit to the Commission at its forty-ninth session an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Welcoming Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/24 of 27 August 1992, in which the Sub-Commission, *inter alia*, expressed its appreciation to its

Special Rapporteur, Mrs. Mary Concepción Bautista, for the work she had carried out aimed at improving on a long-term basis the protection of personnel of the United Nations system and their families, as well as of experts and consultants, and expressed satisfaction at the recommendations contained in the final report of the Special Rapporteur (E/CN.4/Sub.2/1992/19, chap. III, B),

Considering that at a time when the United Nations is undertaking greater responsibilities in various parts of the world, particularly in peace-keeping missions and humanitarian operations in difficult conditions, it is imperative that its staff members be able to perform their duties with the assurance that their human rights, privileges and immunities will be fully respected, in accordance with the relevant provisions of the Charter of the United Nations and other international instruments,

Gravely concerned that a significant number of United Nations staff members, experts and their families continue to be detained, imprisoned, missing or held in a country against their will,

Gravely concerned also that a significant number of United Nations staff members, recruited nationally or internationally, have been killed since January 1992,

Noting the need for updated and complete information on the situation of the United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Convinced that a better coordinated and more detailed reporting system, with a better dialogue between the United Nations and the host country, may contribute to a faster solution of cases,

Preoccupied by the inordinate delays which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting that these efforts have already produced concrete results concerning the security of United Nations staff members, experts and their families,

Having examined the updated report of the Secretary-General on detention of international civil servants and their families (E/CN.4/1993/22) and the final report of the Special Rapporteur on the protection of the human rights of United Nations staff members, experts and their families,

1. Takes note with interest of the updated report of the Secretary-General;

2. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for her final report on the protection of the human rights of United Nations staff members, experts and their families;

3. Requests the Secretary-General to take steps aimed at ensuring the application without delay of all the recommendations contained in the final report of the Special Rapporteur;

4. Appeals once again to Member States to respect and to ensure respect for the rights of staff members and others acting under the authority of the United Nations and their families;

5. Requests the Secretary-General to continue his efforts to ensure that the human rights, security, privileges and immunities of United Nations staff members, experts and their families are fully respected and to seek redress and compensation for the damage caused to them, as well as their full reintegration, when their human rights, privileges and immunities have been violated;

6. Urges Member States, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex), to provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts and their families, and to grant the representative of the competent international organization access to them without delay;

7. Also urges Member States to allow medical teams to investigate the health of staff members, experts and their families who are being detained in order to provide them with the necessary medical assistance;

8. Calls upon Member States to allow the representative of the competent international organization to attend any hearing concerning United Nations staff members, experts and their families;

9. Requests the existing human rights mechanisms, including the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, to examine as appropriate the cases involving the human rights of staff members of the United Nations system and their families, as well as experts, special rapporteurs and consultants, and to transmit the relevant part of their reports to the Secretary-General for inclusion in his report to the Commission on Human Rights;

10. Requests the Secretary-General to submit to the Commission at its fiftieth session an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, including those cases which have been successfully settled since the submission of the last report, as well as on the implementation of the measures referred to in paragraphs 6 and 7 of the present resolution.

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/40. Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Noting with appreciation that the number of States which have become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is steadily increasing,

Welcoming the establishment at the regional level, in accordance with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,

Seriously concerned, however, about the persistence of an alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Recalling its resolution 1985/33 of 13 March 1985, in which it decided to appoint for one year a special rapporteur to examine questions relevant to torture, and all its subsequent resolutions in which that mandate was regularly extended, most recently for another three years in resolution 1992/32 of 28 February 1992, while maintaining the annual reporting cycle,

Welcoming a continuing exchange of views between the Special Rapporteur and the Committee against Torture established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Working Group on Arbitrary Detention and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as contacts with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture,

Aware that torture constitutes a criminal obliteration of the human personality which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

Determined to promote the full implementation of the prohibition under international and national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment, Convinced that efforts to eradicate torture should first and foremost be concentrated on prevention,

Noting, in this regard, the importance of the provision of advisory services and technical assistance as forms of practical assistance to interested States with a view to enabling them to develop the necessary infrastructure to meet international human rights standards,

Recalling the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982, and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, approved by the General Assembly in its resolution 43/173 of 9 December 1988,

Recalling further the conclusions and recommendations of the Special Rapporteur underlined in its resolutions 1987/29 of 10 March 1987, 1988/32 of 8 March 1988, 1989/33 of 6 March 1989, 1990/34 of 2 March 1990, 1991/38 of 5 March 1991 and 1992/32 of 28 February 1992,

1. Commends the Special Rapporteur on his report (E/CN.4/1993/26);

2. Stresses the repeated conclusions and recommendations of the Special Rapporteur concerning the importance of instituting a system of periodic visits by independent experts to places of detention as a highly effective preventive measure against the occurrence of torture;

3. Also stresses the recommendation of the Special Rapporteur that the judiciary should play an active role in guaranteeing to detainees the rights they have in accordance with international and national standards;

4. Recalls that incommunicado detention is highly conducive to torture practices and that in the Special Rapporteur's view incommunicado detention should be forbidden;

5. Stresses again the recommendation of the Special Rapporteur that the right to have access to a lawyer is one of the basic rights of a person who is deprived of his liberty and that restrictions on this right should therefore be exceptional and always subject to judicial control;

6. Also stresses the recommendation of the Special Rapporteur that each person should have the right to initiate promptly after his arrest proceedings before a court on the lawfulness of his detention, in conformity with the International Covenant on Civil and Political Rights;

7. Recalls the recommendations of the Special Rapporteur that Governments and professional and medical associations should take strict measures against members of the medical profession who play a role in the practice of torture;

8. Stresses the repeated recommendations of the Special Rapporteur that interrogation of detainees should take place only at official interrogation centres, that each interrogation should be duly recorded and start with the identification of all the persons present and that the blindfolding or hooding of detainees during interrogation should be absolutely forbidden;

9. Also stresses the repeated recommendations of the Special Rapporteur pertaining to the establishment at the national level of an independent authority able to receive complaints by individuals about torture or other severe maltreatment;

10. Endorses the recommendation of the Special Rapporteur that those who violate article 7 of the Covenant on Civil and Political Rights, whether by encouraging, ordering, tolerating or perpetrating prohibited acts, must be held responsible and that whenever a complaint of torture is found to be justified, the perpetrators should be severely punished, especially the official in charge of the place of detention where the torture is found to have taken place;

11. Calls upon all States that have not yet done so to become as soon as possible parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requests the Special Rapporteur to continue to promote universal accession to that Convention and to encourage all States to fulfil its provisions strictly;

12. Emphasizes the importance of training programmes for law enforcement and security personnel and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations programme of advisory services in the field of human rights;

13. Encourages the Special Rapporteur to make appropriate recommendations concerning situations in which advisory services to judicial, law enforcement, detention and other authorities might assist interested Governments in combating the occurrence of torture;

14. Urges the Secretary-General to make available, as part of the United Nations programme of advisory services in the field of human rights, qualified experts in law enforcement, detention and medicine to assist Governments, at their request, in their efforts to prevent the occurrence of torture;

15. Decides that the Special Rapporteur, in carrying out his mandate, shall continue to seek and receive credible and reliable information from Governments, the specialized agencies and intergovernmental and non-governmental organizations;

16. Considers it desirable that the Special Rapporteur should continue to have a further exchange of views with the various mechanisms and bodies entrusted with the task of combating torture, in particular with a view to enhancing further their effectiveness and mutual cooperation;

17. Invites the Special Rapporteur, in carrying out his mandate, to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him and to carry out his work with discretion;

18. Appeals to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to supply all information requested, including by reacting properly to his urgent appeals;

19. Urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously;

20. Expresses its thanks to the Governments that have invited the Special Rapporteur and requests them to give due consideration to his recommendations and to keep him informed without delay of action taken thereon;

21. Calls upon the Special Rapporteur to continue to include information in his report on the follow-up by Governments to his recommendations, visits and communications;

22. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

23. Takes note with regret of the resignation of Mr. P. Kooijmans as Special Rapporteur and expresses its gratitude to him for the manner in which he has discharged his functions;

24. Requests the Chairman of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing as a special rapporteur;

25. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to cover all of his activities in order to enable him to submit his report to the Commission at its fiftieth session.

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/41. Human rights in the administration of justice

The Commission on Human Rights,

Guided by the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights, as well as the relevant provisions of the International Covenant on Civil and Political Rights,

Guided also by the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming the opportunity offered to States parties to the International Covenant on Civil and Political Rights, if they so wish, to become parties to its Optional Protocols,

Welcoming the important work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in the field of human rights in the administration of justice, in particular regarding the independence of judges and lawyers, the right to a fair trial, habeas corpus, human rights and states of emergency, the human rights of juveniles in detention, the privatization of prisons and the question of the impunity of perpetrators of violations of human rights,

Emphasizing the importance of coordinating the activities of the Commission on Crime Prevention and Criminal Justice and the human rights programme in this field,

Guided by General Assembly resolution 46/120 of 17 December 1991,

Recalling its resolution 1992/31 of 28 February 1992,

1. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. Reiterates once again its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure more effective implementation of these standards, taking into account the recommendations of the General Assembly in its resolution 43/153 of 8 December 1988 for the development of national strategies for this purpose;

3. Recognizes the important role that non-governmental organizations, including professional associations of lawyers and judges, can play in promoting human rights in the administration of justice;

4. Again calls upon its subsidiary bodies, including its special rapporteurs and working groups, to give special attention to questions relating to the effective protection of human rights in the administration of justice, in particular with regard to unacknowledged detention of persons, and

to provide, wherever appropriate, specific recommendations in this regard, including proposals for possible concrete measures under advisory services programmes;

5. Stresses the desirability of providing States, at their request, with continued assistance in the field of the administration of justice, in particular under United Nations programmes of advisory services and technical assistance;

6. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue its practice of creating a sessional working group on detention to formulate concrete proposals regarding human rights in the administration of justice;

7. Also requests the Sub-Commission to formulate concrete proposals to the Secretary-General regarding the utility and the format of his reports pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 on the question of the human rights of persons subjected to any form of detention or imprisonment;

8. Invites the Commission on Crime Prevention and Criminal Justice to explore ways and means of cooperating with the human rights programme in the field of the administration of justice, with special emphasis on the effective implementation of norms and standards;

9. Decides to consider the question at its fiftieth session under the agenda item "Question of the human rights of all persons subjected to any form of detention or imprisonment".

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/42. Question of human rights and states of emergency

The Commission on Human Rights,

Noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/22 of 27 August 1992,

1. Recommends the inclusion in the agenda of the World Conference on Human Rights of an item entitled "Strengthening of the protection of human rights during states of emergency";

2. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B. draft decision 15.]

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/43. Question of the impunity of perpetrators of violations of human rights

The Commission on Human Rights,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Convinced that the increasingly widespread practice of impunity for perpetrators of violations of human rights in various regions of the world is a fundamental obstacle to the observance of human rights,

Recalling the comments that have been made for a number of years on this subject by, in particular, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture and the Special Rapporteurs of the Sub-Commission,

1. Takes note with satisfaction of the working paper (E/CN.4/Sub.2/1992/18) prepared by Mr. El Hadji Guissé and Mr. Louis Joinet pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities decision 1991/110 of 29 August 1991;

2. Endorses the decision of the Sub-Commission in its resolution 1992/23 of 27 August 1992 to request Mr. Guissé and Mr. Joinet to draft a study on the impunity of perpetrators of violations of human rights in order, in particular, to determine the scope of the phenomenon of impunity and to propose measures to combat that practice;

3. Requests the Secretary-General to provide the Special Rapporteurs with any assistance they require in order to discharge their tasks;

4. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 16]

57th meeting
5 March 1993
[Adopted without a vote. See chap X.]

1993/44. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4 and 26 of the International Covenant on Civil and Political Rights, Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolutions 1989/32 of 6 March 1989, 1990/33 of 2 March 1990, 1991/39 of 5 March 1991 and 1992/33 of 28 February 1992,

Recalling also General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and invited Governments to respect them and take them into account within the framework of their national legislation and practice,

Taking note of General Assembly resolution 46/120 of 17 December 1991 in which the Assembly, welcoming the recommendations contained in the first report of the Special Rapporteur (E/CN.4/Sub.2/1991/30 and Add. 1-4) and endorsed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and also welcoming the decision of the Sub-Commission to entrust Mr. Louis Joinet with the preparation of a further report, reaffirmed the importance of the full and effective implementation of United Nations norms and standards on human rights in the administration of justice,

Having examined the report on the independence of the judiciary and the protection of practising lawyers prepared by the Special Rapporteur pursuant to Sub-Commission resolution 1991/35 of 29 August 1991 (E/CN.4/Sub.2/1992/25 and Add.1),

1. Welcomes the recommendations contained in the report of the Special Rapporteur and endorsed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1992/38 of 28 August 1992;

2. Endorses the decision of the Sub-Commission to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers:

(a) To bring to the attention of the Sub-Commission information on practices and measures which have served to strengthen or to weaken the independence of the judiciary and the protection of practising lawyers in accordance with United Nations standards;

(b) To propose specific recommendations regarding the independence of the judiciary and the protection of practising lawyers, to be taken into account in the advisory services and technical assistance programmes and projects of the United Nations and, in that regard, to follow up the recommendations contained in his first report;

(c) To examine the ways and means of enhancing cooperation and avoiding overlapping and duplication in the work of the Commission on Crime Prevention and Criminal Justice and that of the Sub-Commission;

(d) To elaborate on the recommendations contained in his report;

3. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his task;

4. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 17.]

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/45. Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, and states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these shall be only such as are provided by law and are necessary for respect of the rights or reputations of others, or for the protection of national security or of public order (ordre public), or of public health and morals,

Mindful also that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1983/32 of 6 September 1983,

Recalling its resolutions 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 and 1988/39 of 8 March 1988, 1989/31 of 6 March 1989, 1989/56 of 7 March 1989, 1990/32 of 2 March 1990, 1991/32 of 5 March 1991 and 1992/22 of 28 February 1992,

Taking note of the preliminary report on the right to freedom of opinion and expression (E/CN.4/Sub.2/1990/11) and the updated preliminary report (E/CN.4/Sub.2/1991/9) submitted to the Sub-Commission at its forty-second and forty-third sessions, respectively, by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Türk, Taking note also of the final report on the right to freedom of opinion and expression (E/CN.4/Sub.2/1992/9) and the conclusions and recommendations (E/CN.4/Sub/1992/9/Add.1) presented by the Special Rapporteurs to the Sub-Commission at its forty-fourth session,

Noting the importance and relevance of the work being undertaken on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect human rights, and welcoming the fact that the working group has finished the first reading and has commenced the second reading of the draft declaration at its meeting from 18 to 29 January 1992,

Considering that the effective promotion of the human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity,

Noting the comment in the final report of the Special Rapporteurs that the right to freedom of opinion and expression is interrelated with and enhances the exercise of all other human rights,

Deeply concerned by numerous reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information, including journalists, editors, writers and authors, publishers and printers,

1. Expresses its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who exercise the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

2. Also expresses its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who exercise the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association, and the right to take part in the conduct of public affairs as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

3. Further expresses its concern at the extensive occurrence in many parts of the world of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who seek to promote and defend these rights and freedoms;

4. Emphasizes that professionals in the field of information play a major role in the promotion and protection of freedom of opinion and expression, and expresses in this regard its concern at the growing number of

reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at such professionals;

5. Underlines in this regard that the Working Group on Arbitrary Detention, in its methodology of work (E/CN.4/1992/20, annex I) examines cases of denial of freedom following the exercise of rights protected by article 19 of the International Covenant on Civil and Political Rights concerning the right to freedom of expression and opinion;

6. Welcomes the release of persons detained for exercising these rights and freedoms and encourages further progress in this regard;

7. Appeals to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, the rights to freedom of thought, conscience and religion, peaceful assembly and association, and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms and where any persons have been detained, subjected to violence or threats of violence and to harassment, including persecution and intimidation, solely for exercising these rights as laid down in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights, to take the appropriate steps to ensure the immediate cessation of these acts and to create the conditions under which these acts may be less liable to occur;

8. Also appeals to all States to ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services;

9. Invites once again the Working Group on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention and the Special Rapporteurs of the Commission on Human Rights to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression, as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

10. Commends the Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Louis Joinet and Mr. Danilo Türk, for their final report, including conclusions and recommendations;

11. Requests the Chairman of the Commission to appoint, for a period of three years, after consultations with other members of the Bureau, an individual of recognized international standing as special rapporteur on the promotion and protection of the right to freedom of opinion and expression;

12. Requests the Special Rapporteur to gather all relevant information, wherever it may occur, of discrimination against, threats or use of violence and harassment, including persecution and intimidation, directed at persons seeking to exercise or to promote the exercise of the right to freedom of

opinion and expression as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights, taking into account the work being conducted by other mechanisms of the Commission and Sub-Commission which touches on this right, with a view to avoiding duplication of work;

13. Also requests the Special Rapporteur, as a matter of high priority, to gather all relevant information, wherever it may occur, of discrimination against, threats or use of violence and harassment, including persecution and intimidation, against professionals in the field of information seeking to exercise or to promote the exercise of the right to freedom of opinion and expression, as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

14. Further requests the Special Rapporteur to seek and receive credible and reliable information from Governments, non-governmental organizations and any other parties who have knowledge of these cases;

15. Urges all Governments to cooperate with and assist the Special Rapporteur in the performance of his or her tasks and to furnish all information requested;

16. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources deemed necessary, within existing overall United Nations resources, to fulfil his or her mandate;

17. Invites the Special Rapporteur to note the work being carried out on the right to freedom of opinion and expression in the specialized agencies and other organizations of the United Nations system;

18. Requests the Special Rapporteur to submit to the Commission, beginning at its fiftieth session, a report covering the activities relating to his or her mandate, noting the work being conducted by other mechanisms of the Commission and Sub-Commission which touches on the right to freedom of expression and opinion, containing recommendations to the Commission and providing suggestions on ways and means to better promote and protect the right to freedom of opinion and expression in all its manifestations, as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

19. Decides to review this matter at its fiftieth session;

20. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 18.]

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/46. Integrating the rights of women into the human rights mechanisms of the United Nations

The Commission on Human Rights,

Conscious of the importance of the mechanisms established by the United Nations for the promotion, protection and implementation of the human rights of women and men,

Concerned that women are susceptible to particular sorts of human rights abuse,

Mindful of the need for the Commission to be aware of any such abuses at an early stage wherever they may occur,

Noting the particular role of the Commission on the Status of Women in promoting equality between women and men,

Commending the report submitted by the Secretary-General (E/CN.6/1993/12) containing a draft declaration on the elimination of violence against women to be submitted to the Commission on the Status of Women at its thirty-seventh session,

Bearing in mind the desirability of closer communication between the Commission on the Status of Women and other United Nations human rights bodies and between the Committee on the Elimination of Discrimination against Women and other treaty bodies,

Welcoming the reaffirmation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1992/4 of 14 August 1992, that the rights of women are recognized as inalienable human rights and that they should be treated as such in all United Nations bodies, including the Commission on Human Rights,

Wishing to ensure that information concerning violations of the rights of women is integrated regularly and systematically into all United Nations mechanisms for the promotion, protection and implementation of human rights,

Recalling that the Centre for Human Rights was requested to utilize gender-disaggregated data in the preparation of studies for the World Conference on Human Rights,

1. Condemns all acts of violence and violations of human rights directed specifically against women including those in situations of armed conflict;

2. Requests all special rapporteurs and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in the discharge of their mandates, regularly and systematically to include in their reports available information on human rights violations affecting women;

3. Requests the secretariat to ensure that special rapporteurs, experts and working groups are fully apprised of the particular ways in which the rights of women are violated;

4. Invites Governments to include gender-disaggregated data in the information that they provide;

5. Encourages closer cooperation between the Commission on Human Rights and the Commission on the Status of Women and their respective secretariats in the promotion, protection and implementation of the rights of women, as well as between the Committee on the Elimination of Discrimination against Women and other treaty bodies;

6. Decides to consider the appointment of a special rapporteur on violence against women at its fiftieth session, taking into account the work of the Commission on the Status of Women on, *inter alia*, the issue of violence against women, the results of the World Conference on Human Rights and the results of the work undertaken pursuant to the present resolution;

7. Requests the Secretary-General to consult with all United Nations human rights bodies, including the treaty bodies, on the implementation of the present resolution, and invites him to report thereon to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session.

60th meeting
8 March 1993
[Adopted without a vote. See chap. XI.]

1993/47. Human rights and thematic procedures

The Commission on Human Rights,

Considering that, over the years, thematic procedures established by the Commission with regard to the consideration of questions related to the promotion and protection of civil and political rights have earned an important position among its human rights monitoring mechanisms,

Noting with satisfaction that an increasing number of Governments, as well as non-governmental organizations, have developed a working relationship with one or more of the thematic procedures,

Recalling its resolutions 1991/31 of 5 March 1991 and 1992/41 of 28 February 1992,

Recalling also its various resolutions in which it urged Governments to intensify their cooperation with the thematic special rapporteurs and working groups and to provide information requested on any measures taken in pursuance of recommendations addressed to them,

1. Commends those Governments that have invited any of the thematic special rapporteurs or the Working Group on Enforced or Involuntary Disappearances to visit their countries;

2. Recommends that Governments consider follow-up visits designed to assist them with effective implementation of recommendations by the thematic special rapporteurs and working groups;

3. Encourages Governments to respond expeditiously to requests for information made to them through the procedures, so that the thematic special rapporteurs concerned, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention may carry out their mandates effectively;

4. Also encourages Governments encountering problems in the field of human rights to cooperate more closely with the Commission through the pertinent thematic procedures, in particular by inviting a thematic special rapporteur or working group to visit their countries;

5. Invites the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed promptly on the progress made towards their implementation;

6. Invites the thematic special rapporteurs and working groups to include in their annual reports information provided by Governments on follow-up action, as well as their own observations thereon;

7. Invites non-governmental organizations to continue their cooperation with the thematic procedures;

8. Encourages the thematic special rapporteurs and working groups to follow closely the progress made by Governments in their investigations carried out within their respective mandates;

9. Also encourages the thematic special rapporteurs and working groups to continue to cooperate closely with relevant treaty bodies and country rapporteurs;

10. Requests the thematic special rapporteurs and working groups to include in their reports gender-disaggregated data, as well as comments on problems of responding and the results of analyses, as appropriate, in order to exercise their mandates even more effectively;

11. Requests the Secretary-General to consider the possibility of convening a meeting of all the thematic special rapporteurs and the Chairmen of working groups of the Commission on Human Rights in order to enable an exchange of views and closer cooperation;

12. Also requests the Secretary-General, in close collaboration with the thematic special rapporteurs and working groups, to issue annually their conclusions and recommendations;

13. _Further requests_ the Secretary-General, in implementing the regular budget of the United Nations for the biennium 1992-1993, to ensure the availability of such resources as are necessary for an effective implementation of all thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs and working groups by the Commission.

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/48. _Consequences for the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers_

The Commission on Human Rights,

Recalling its resolution 1992/42 of 28 February 1992,

Deeply concerned at the persistent acts of violence committed in many countries by armed groups that spread terror among the population and by drug traffickers, frequently acting together,

Recalling that such acts prevent the unimpeded exercise of civil and political rights, such as participation in free elections, the right to peaceful assembly, freedom of association and trade union rights, as well as the exercise of economic, social and cultural rights, affecting adversely the well-being of peoples and causing severe damage to the economic infrastructure and production of countries,

Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, has the responsibility to strive for the promotion and observance of the rights recognized in the International Covenants on Human Rights,

Acknowledging the invaluable contribution made by non-governmental organizations to the constant monitoring of all matters related to human rights and fundamental freedoms,

Reiterating emphatically that all international obligations relating to the promotion and protection of human rights and fundamental freedoms must be honoured at all times,

1. _Reiterates its deep concern_ at the adverse effect on the enjoyment of human rights of persistent acts of violence committed in many countries by armed groups, regardless of their origin, that spread terror among the population and by drug traffickers;

2. _Requests_ all special rapporteurs and working groups to continue paying particular attention to the adverse effect on the enjoyment of human rights of such acts of violence committed by armed groups, regardless of their

origin, that spread terror among the population and by drug traffickers in their forthcoming reports to the Commission on the situation of human rights in those countries where such acts of violence occur;

3. Encourages non-governmental organizations to bear in mind the adverse effect on the enjoyment of human rights of the acts of violence committed in many countries by armed groups, regardless of their origin, that spread terror among the population and by drug traffickers;

4. Requests the Secretary-General to continue collecting information on this question from all relevant sources and to make it available to the special rapporteurs and working groups concerned for their consideration;

5. Decides to continue its consideration of the question as a matter of high priority at its fiftieth session.

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/49. Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

The Commission on Human Rights,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling previous General Assembly resolutions on this subject, in particular resolutions 43/128 of 8 December 1988, 44/61 of 8 December 1989, 45/99 of 14 December 1990 and 47/128 of 18 December 1992, as well as its own resolutions 1989/53 of 7 March 1989, 1990/72 of 7 March 1990, 1991/24 of 5 March 1991 and 1992/38 of 28 February 1992,

Recognizing the catalytic effect of United Nations initiatives on national and regional public information activities in the field of human rights,

Acknowledging the valuable role that non-governmental organizations can play in these endeavours,

Believing that the World Public Information Campaign for Human Rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights,

1. Takes note with appreciation of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (E/CN.4/1993/29 and Add.1);

2. Appreciates the measures taken by the Secretariat to ensure the further production and effective dissemination of human rights information materials in regional and local languages, in cooperation with regional, national and local organizations, as well as with Governments;

3. Welcomes the recent efforts of the Centre for Human Rights to carry out a comprehensive review of the programme of information in the field of human rights and to elaborate a new information strategy as described in the report of the Secretary-General;

4. Notes with appreciation the new approach of the Centre for Human Rights to the development of training courses and materials, which are designed to be practical in their content, audience-specific and culturally adaptable and which include information on effective pedagogical techniques, and welcomes the decision of the Centre for Human Rights to convene a series of expert meetings in 1993 for the purpose of elaborating training manuals based on this new approach;

5. Requests the Secretary-General to afford particular attention, within the framework of the World Public Information Campaign for Human Rights, to activities aimed at disseminating information on the World Conference on Human Rights and its outcome and welcomes the recent initiatives of the Secretariat to develop supplementary public information activities for the World Conference;

6. Takes note with appreciation of the progress made by the Centre for Human Rights in the updating and supplementing of the publications entitled Human Rights: A Compilation of International Instruments, Human Rights: Status of International Instruments and United Nations Action in the Field of Human Rights, consistent with General Assembly resolution 46/116 of 17 December 1991;

7. Encourages the Centre for Human Rights to continue its review of the programme of translation of human rights instruments, with a view to increasing both the range of instruments translated and the number of language versions produced and making full use of the valuable assistance of national non-governmental organizations, and requests the Department of Public Information to make every effort to ensure the broadest possible availability and dissemination, through United Nations information centres, of instruments translated, particularly the Universal Declaration of Human Rights;

8. Urges the Secretary-General to utilize more fully and effectively United Nations information centres for the purpose of disseminating, within their designated areas of activity, basic information and reference materials on human rights and fundamental freedoms and, to this end, to ensure that

United Nations information centres are supplied with adequate quantities of those materials, both in the official languages of the United Nations and in the relevant national languages;

9. Requests the Secretary-General to ensure that recent periodic reports of States parties to treaty-monitoring bodies, the summary records of the discussions on them and the concluding observations adopted by the relevant body are available in the United Nations information centres in the countries which have submitted these reports;

10. Requests the Department of Public Information to make full use of its available resources in the field of human rights to produce audio-visual materials on human rights issues, as specifically requested in paragraph 4 of General Assembly resolution 45/99, and to increase the print-run of the information and reference material produced by the United Nations for worldwide distribution;

11. Stresses the need for close cooperation between the Centre for Human Rights and the Department of Public Information, *inter alia* in the implementation of the World Public Information Campaign for Human Rights, and requests the Secretary-General to take advantage as much as possible of the collaboration of non-governmental organizations in this process, including in the dissemination of human rights materials;

12. Encourages all Member States to make special efforts, particularly in view of the World Conference on Human Rights, to provide, facilitate and promote publicity for the activities of the United Nations in the field of human rights, and to accord priority to the dissemination in their respective national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and to provide information and education on the practical ways in which the rights and freedoms enjoyed under these instruments can be exercised;

13. Urges all Member States to include in their educational curricula, at the primary, secondary and post-secondary levels, materials relevant to a comprehensive understanding of human rights issues and, recalling the publication by the Centre for Human Rights of the booklet *Teaching Human Rights*, encourages the production by the Centre of further materials for this purpose;

14. Appreciates the enhanced cooperation between the Centre for Human Rights and the Division for the Advancement of Women and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat, and emphasizes the need for the Secretariat to harmonize its public information activities with those of other relevant international bodies, including the International Committee of the Red Cross, with regard to the dissemination of information on international humanitarian law;

15. Requests the Secretary-General to make provision in the regular budget of the United Nations for increased resources for activities within the

framework of the World Public Information Campaign for Human Rights, and encourages Member States to consider making voluntary contributions to the funding of those activities;

16. Also requests the Secretary-General, in the light of the efforts currently under way within the Secretariat to carry out a comprehensive review of the human rights information programme and of any views expressed during the World Conference on Human Rights, to further consider the recommendation of the fourth meeting of persons chairing the human rights treaty bodies that an expert group from outside the Secretariat be appointed to review the existing information programme of the Centre for Human Rights (see A/47/628, annex);

17. Further requests the Secretary-General to submit to the Commission, at its fiftieth session, a report on public information activities, with special emphasis on the activities of the World Public Information Campaign for Human Rights, including information on expenditures incurred in 1993 and those envisaged for future activities, as well as an assessment of the impact of the World Campaign;

18. Decides to continue its consideration of the question at its fiftieth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/50. Strengthening of the rule of law

The Commission on Human Rights,

Recalling that the achievement of international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all, without any distinction, is one of the purposes of the United Nations,

Recalling also that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights,

Convinced also that through national legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights, Considering that the rule of law contributes to the proper maintenance of law and order and the legal development of social relations and provides a means of ensuring that the State does not exercise its powers in an arbitrary way,

Considering also that under the provisions of the Universal Declaration of Human Rights everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized,

Mindful of the significant role played by different national institutions in ensuring respect for and observance of human rights and fundamental freedoms, as stressed in many of its previous resolutions, most recently in resolution 1992/54 of 3 March 1992,

Bearing in mind the various resolutions adopted on the programme of advisory services in the field of human rights, most recently its resolution 1992/80 of 5 March 1992, and the need to strengthen that programme and to make it more effective,

Recognizing that, particularly in developing countries which are fully committed to human rights and may face difficulties in this area, the United Nations system should contribute with technical, material and financial resources to assist those Governments that so request to develop and strengthen the rule of law with a view to ensuring respect for human rights and fundamental freedoms,

Recognizing the need for the United Nations to equip itself with the mechanisms required for making a more positive and significant contribution to strengthening the rule of law in countries engaged in such efforts,

Noting that the objectives of the World Conference on Human Rights, as set forth in General Assembly resolution 45/155 of 18 December 1990, include the identification of obstacles to further progress in the field of human rights, and ways and means by which they can be overcome, as well as the examination of the relationship between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights, and noting also that, in that context, the question of the strengthening of the rule of law merits particular attention,

Noting also the approval by the General Assembly in its resolution 47/122 of 18 December 1992 of the provisional agenda for the World Conference,

Taking note of paragraph 28 of the San José Declaration on Human Rights adopted on 22 January 1993 by the Regional Meeting for Latin America and the Caribbean of the World Conference on Human Rights (A/CONF.157/LACRM/15-A/CONF.157/PC/58, chap. I),

Considering that the question of the final outcome of the World Conference is to be taken up by the Preparatory Committee at its fourth session, to be held at Geneva from 19 to 30 April 1993, Recalling its resolution 1992/51 of 3 March 1992,

1. Reiterates the need to consider ways and means by which the United Nations system can make a more positive and significant contribution to the development and strengthening, by Member States, of the rule of law, as an essential factor in the promotion and protection of human rights and fundamental freedoms, inter alia through the establishment of mechanisms that can contribute with substantial technical and financial assistance to operational human rights-related projects in areas such as law enforcement, the administration of justice and others;

2. Requests the Secretary-General of the World Conference on Human Rights to bring the present resolution to the attention of the Preparatory Committee at its fourth session;

3. Decides to consider the question at its fiftieth session under the agenda sub-item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/51. Regional arrangements for the promotion and protection of human rights

The Commission on Human Rights,

Recalling General Assembly resolution 32/127 of 16 December 1977 and all subsequent resolutions concerning regional arrangements for the promotion and protection of human rights, in particular Assembly resolution 47/125 of 18 December 1992,

Recalling its resolution 1992/52 of 3 March 1992, in which it requested the Secretary-General to submit to the Commission at its forty-ninth session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the result of action taken in pursuance of the resolution,

Recalling its relevant resolutions concerning advisory services in the field of human rights, including the most recent, resolution 1992/80 of 5 March 1992,

Recalling also its resolutions 1989/50 of 7 March 1989, 1990/71 of 7 March 1990, 1991/28 of 5 March 1991 and 1992/40 of 28 February 1992 concerning regional arrangements for the promotion and protection of human rights in the Asian and Pacific region, *Having considered* the report of the Secretary-General on regional arrangements for the promotion and protection of human rights (E/CN.4/1993/32),

Noting with satisfaction the progress achieved so far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

Reaffirming that regional arrangements for the promotion and protection of human rights may make a major contribution to the effective enjoyment of human rights and fundamental freedoms and that the exchange of information and experience in this field among the regions, within the United Nations system, may be improved,

Bearing in mind that regional instruments should complement the universally accepted human rights standards and that certain inconsistencies between provisions of regional instruments and those of international instruments might raise difficulties with regard to their implementation,

1. *Takes note* of the report of the Secretary-General;

2. *Notes with interest* that various contacts between regional bodies and commissions and the United Nations have continued to be pursued and strengthened through advisory services and technical assistance activities, with a view to the exchange of information and experience in the field of human rights;

3. *Welcomes*, therefore, the continuing cooperation and assistance of the Centre for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, particularly in the field of advisory services and technical assistance, public information and education, with a view to exchanging any information and experience in the field of human rights;

4. *Also welcomes* in that respect the close cooperation given by the Centre for Human Rights in the organization of regional and subregional training courses or workshops in the field of human rights aimed at creating greater understanding of issues relating to the promotion and protection of human rights in the regions and at improving procedures and examining various systems for the promotion and protection of the universally accepted human rights standards;

5. *Invites* States in areas where regional arrangements in the field of human rights do not yet exist to consider agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights;

6. *Welcomes* in this regard the continued cooperation of the Centre for Human Rights with the Executive Secretary of the Economic and Social

Commission for Asia and the Pacific for the establishment of a depositary centre for United Nations human rights materials within that Commission at Bangkok;

7. Endorses the efforts of the Centre for Human Rights to enhance cooperation between the United Nations and regional and national institutions, particularly in the field of advisory services and technical assistance, public information and education in the field of human rights;

8. Stresses the importance of the programme of advisory services in the field of human rights and renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations under this programme of organizing information and/or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies;

9. Encourages States parties to the major international human rights instruments to disseminate these in appropriate languages, as widely as possible, and recognizes in this context the valuable role that local non-governmental organizations may play in ensuring awareness of the standards to which Governments have subscribed at the international level;

10. Requests the Secretary-General, as foreseen in the medium-term plan for the period 1992-1997, to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights, and welcomes, in this connection, the fact that the Centre for Human Rights will continue to organize national, regional and subregional workshops and training courses for government officials engaged in the administration of justice and in the implementation of the international human rights instruments and that more countries in all regions of the world are expected to develop forms of cooperation and assistance with the Centre for Human Rights, in keeping with their specific needs;

11. Invites the organizers of regional meetings convened in preparation for the World Conference on Human Rights to promote further ratification of and accession to United Nations human rights treaties and the implementation of universally accepted human rights standards;

12. Welcomes the recommendation of the persons chairing or representing the United Nations human rights treaty bodies concerning a possible meeting, during the World Conference on Human Rights, of the persons chairing or representing the United Nations human rights treaty bodies and those chairing or representing each of the principal regional organizations and institutions in the field of human rights, and requests the Preparatory Committee of the World Conference on Human Rights to consider the holding of such a meeting;

13. Invites the treaty bodies of the major international human rights instruments to explore ways to increase the exchange of information and cooperation with regional human rights mechanisms;

14. Stresses the importance of continuing to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations;

15. Requests the Secretary-General to submit to the Commission, at its fifty-first session, a report on the state of regional arrangements for the promotion and protection of human rights, to formulate concrete proposals and recommendations on the ways and means of strengthening the cooperation between the United Nations and regional arrangements in the field of human rights and to include in his report the results of action taken in pursuance of the present resolution;

16. Decides to consider the question further at its fifty-first session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/52. Strengthening of the Centre for Human Rights

The Commission on Human Rights,

Recalling all relevant General Assembly resolutions as well as its own resolutions on this question,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and an issue of the utmost importance for the Organization,

Acknowledging the increasing attention given to the activities undertaken by the United Nations system in the field of human rights,

Recalling that the Secretary-General, in his report on the work of the Organization for 1992 (A/47/1), stated, *inter alia*, that the "Charter of the United Nations places the promotion of human rights as one of our priority objectives, along with promoting development and preserving international peace and security", an approach which he was also applying in his proposals for the biennium 1994-1995,

Emphasizing the important role of the Centre for Human Rights as a coordinating unit within the United Nations system in the promotion, protection and implementation of human rights and the need to provide it with sufficient human and financial resources, particularly in view of the fact that its workload has dramatically increased while resources have failed to keep pace with the expansion of its responsibilities, *Recalling also* that the Commission, in paragraph 30 of its report (E/CN.4/1988/85 and Corr.1) to the Special Commission of the Economic and Social Council, reaffirmed that "the paramount consideration in the employment of staff at every level is the need for the highest standards of efficiency, competence and integrity, and is convinced that this is compatible with the principle of equitable geographical distribution", and bearing in mind Article 101, paragraph 3, of the Charter of the United Nations,

Welcoming the fact that the World Conference on Human Rights is to make recommendations securing the necessary financial and other resources for United Nations activities in the field of human rights,

Noting with appreciation the measures taken by the Assistant Secretary-General for Human Rights aimed at improving the administration and management of the Centre for Human Rights,

Noting also that without additional resources commensurate to the additional mandates, measures for the improvement of the functioning and efficiency of the Centre for Human Rights cannot be effective,

1. *Requests* the Secretary-General to enhance the role and importance of the Centre for Human Rights as a coordinating unit within the United Nations system with respect to human rights;

2. *Welcomes* the efforts of the Assistant Secretary-General for Human Rights and encourages him to continue to implement measures to improve the efficiency and effectiveness of the Centre for Human Rights;

3. *Requests* the Secretary-General to ensure that sufficient resources are accorded to the Centre for Human Rights to enable it to undertake all its functions, in full and on time;

4. *Also requests* the Secretary-General and the competent United Nations bodies to implement, as appropriate and as a matter of urgency, the relevant recommendations which the World Conference on Human Rights makes with regard to securing the necessary financial and other resources for the strengthening of the Centre for Human Rights;

5. *Decides* to consider the question again at its fiftieth session.

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/53. Protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS)

The Commission on Human Rights,

Recalling General Assembly resolutions 45/187 of 21 December 1990 and 46/203 of 20 December 1991, Economic and Social Council resolution 1990/86 of 27 July 1990, World Health Assembly resolutions WHA41.24 of 13 May 1988 and WHA43.10 of 16 May 1990 on women, children and AIDS, general recommendation 15 of the Committee on the Elimination of Discrimination against Women and other relevant resolutions and decisions adopted by organizations of the United Nations system as well as by other competent forums,

Recalling its resolution 1990/65 of 7 March 1990, in which it endorsed the appointment by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of Mr. Luis Varela Quirós to undertake a study on problems and causes of discrimination against people infected with the human immunodeficiency virus (HIV) or people with acquired immunodeficiency syndrome (AIDS), and its resolution 1992/56 of 3 March 1992 concerning discrimination against people with HIV infection or AIDS,

Acknowledging the significant role of the World Health Organization, within the framework of the global strategy for the prevention and control of AIDS, in combating discrimination against HIV-infected persons, including people with AIDS,

Taking note of the results of the International Consultation on AIDS and Human Rights organized by the Centre for Human Rights in cooperation with the World Health Organization at Geneva in July 1989, as well as those of other relevant consultations, conferences and meetings on this subject,

Recognizing the major contribution made by national and international non-governmental organizations, in particular organizations of people with HIV or AIDS and the International Federation of Red Cross and Red Crescent Societies, in fighting discrimination against and advocating the rights of people living with HIV and AIDS,

Taking note of the Rights and Humanity Declaration and Charter on HIV and AIDS (see E/CN.4/1992/82),

Recognizing that the challenges presented by HIV and AIDS require renewed efforts to ensure universal respect for, and observance of, human rights and fundamental freedoms for all,

Concerned that lack of full enjoyment of their fundamental rights by persons suffering from economic, social or legal disadvantage heightens their vulnerability to the risk of HIV infection, *Alarmed* at discriminatory laws and policies and the emergence of new forms of discriminatory practices which deny people with HIV infection or AIDS, their families and associates enjoyment of their fundamental rights and freedoms,

Recognizing that antidiscrimination measures form a component part of an effective public health strategy,

Stressing that discrimination and stigmatization are counter-productive to AIDS control measures,

Emphasizing the need for Governments, in a spirit of human solidarity and tolerance, to counter social stigmatization and discrimination against those affected by HIV and AIDS, their families and those with whom they live, and people considered to be at risk of infection,

1. *Calls upon* all States to ensure that their laws, policies and practices introduced in the context of AIDS respect human rights standards;

2. *Also calls upon* all States to take all the necessary steps to ensure the full enjoyment of civil, political, economic, social and cultural rights by people with HIV or AIDS, their families and those in any way associated with them and people presumed to be at risk of infection, with particular attention to women, children and other vulnerable groups, in order to prevent discriminatory action against them or their social stigmatization and to ensure their access to the necessary care and support;

3. *Urges* all States to include in their AIDS programmes measures to combat social stigmatization and discrimination and to take the necessary steps to develop the supportive social environment necessary for effective AIDS prevention and care;

4. *Invites* the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and other similar bodies to give full attention to monitoring States parties' compliance with their commitments under the relevant human rights instruments regarding the rights of people infected with HIV or AIDS, their families and people with whom they live, or people presumed to be at risk of infection;

5. *Welcomes* the preliminary report (E/CN.4/Sub.2/1990/9) and the progress reports (E/CN.4/Sub.2/1991/10 and E/CN.4/Sub.2/1992/10) of Mr. Luis Varela Quirós, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on discrimination against HIV-infected people or people with AIDS;

6. *Endorses* the requests addressed by the Sub-Commission, in its decision 1992/108 of 27 August 1992, to Mr. Varela Quirós to submit his final

report to the Sub-Commission at its forty-fifth session, and to the Secretary-General to give the Special Rapporteur such assistance as he may require to accomplish his work;

7. Decides to consider the final report of Mr. Varela Quirós at its fiftieth session.

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/54. Civil defence forces

The Commission on Human Rights,

Considering the report of the Secretary-General on civil defence forces submitted pursuant to Commission on Human Rights resolution 1992/57 of 3 March 1992 (E/CN.4/1993/34),

Taking note with interest of the observations on the matter of civil defence forces not belonging to the regular law enforcement agencies, in relation to the protection of human rights and fundamental freedoms, contained in the reports of the Working Group on Enforced or Involuntary Disappearances,

Noting that the formation of civil defence forces appears to be on the rise worldwide, particularly in areas of conflict,

Recognizing, however, that action by civil defence forces has in some cases jeopardized the enjoyment of human rights and fundamental freedoms,

Also recognizing that under exceptional circumstances, when public forces, owing to the exigencies of the situation, are unable to act, there may be a need for the establishment of civil defence forces to protect the civilian population,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms,

Realizing that the individual has a responsibility to strive for the promotion and observance of the rights recognized in the International Covenant on Civil and Political Rights as well as in the International Covenant on Economic, Social and Cultural Rights,

Being aware of the necessity for further examination of the question of civil defence forces by specialized bodies,

1. Expresses its appreciation to the Governments and intergovernmental and non-governmental organizations that have provided information on domestic

law and practice relating to civil defence forces or comments concerning their relation to the protection of human rights and fundamental freedoms, pursuant to Commission on Human Rights resolution 1992/57;

2. *Requests* the Secretary-General to prepare, within the existing resources, and to submit to the Commission on Human Rights at its fiftieth session a report containing a summary of any additional information and comments received concerning civil defence forces and their relation to the protection of human rights and fundamental freedoms;

3. *Invites* the special rapporteurs and working groups concerned to continue to pay due attention within their mandates to the matter of civil defence forces in relation to the protection of human rights and fundamental freedoms.

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/55. *National institutions for the promotion and protection of human rights*

The Commission on Human Rights,

Recalling its relevant resolutions and those of the General Assembly concerning national institutions for the promotion and protection of human rights, notably its resolutions 1990/73 of 7 March 1990, 1991/27 of 5 March 1991 and 1992/54 of 3 March 1992, and General Assembly resolutions 44/64 of 8 December 1989 and 46/124 of 17 December 1991,

Stressing the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,

Convinced of the important role that can be played by institutions at the national level in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played and should continue to play a catalytic role in assisting the development of national institutions,

Mindful in this regard of the guidelines on the structure and functioning of national institutions for the promotion and protection of human rights endorsed by the General Assembly in its resolution 33/46 of 14 December 1978, Recalling the recommendations contained in General Assembly resolution 45/155 of 18 December 1990 and Commission on Human Rights resolution 1991/30 of 5 March 1991 inviting the Preparatory Committee for the World Conference on Human Rights to examine ways and means by which the World Conference could encourage the establishment or strengthening of national institutions,

Taking note with satisfaction of the report of the International Workshop on National Institutions for the Promotion and Protection of Human Rights held in Paris from 7 to 9 October 1991 (E/CN.4/1992/43 and Add.1 and 2),

Welcoming the growing interest shown worldwide in the creation and strengthening of national institutions expressed during the Regional Meeting for Africa of the World Conference on Human Rights, held at Tunis from 2 to 6 November 1992, the Regional Meeting for Latin America and the Caribbean of the World Conference on Human Rights, held at San José from 18 to 22 January 1993, the Commonwealth Workshop on National Human Rights Institutions, held at Ottawa from 30 September to 2 October 1992 and the Workshop for the Asia-Pacific Region on Human Rights Issues, held at Jakarta from 26 to 28 January 1993, and manifested in the decisions announced recently by several Member States to establish national institutions for the promotion and protection of human rights,

Welcoming the fact that the Economic and Social Council, in its decision 1992/233 of 20 July 1992, decided to transmit to the General Assembly for adoption the recommendations contained in the report of the International Workshop, which are entitled "Principles relating to the status of national institutions" and contained in the annex to Commission resolution 1992/54,

Noting with satisfaction the constructive participation of representatives of a number of national institutions for the promotion and protection of human rights in international seminars and workshops organized or sponsored by the United Nations and its Member States and in other United Nations activities,

1. Reaffirms the importance of developing, in accordance with national legislation, effective national institutions for the promotion and protection of human rights and of ensuring the pluralism of their membership and their independence;

2. Takes note of progress in this area and in particular of the increased effectiveness of national institutions for the promotion and protection of human rights, as well as of the efforts of the Centre for Human Rights to increase cooperation with regional and national institutions;

3. Encourages all Member States to take appropriate steps to promote the exchange, including by national institutions, of information and experience concerning the establishment and operation of such national institutions;

4. *Encourages* initiatives on the part of Governments and regional, international, intergovernmental and non-governmental organizations intended to strengthen existing national institutions and to establish such institutions where they do not exist;

5. *Requests* the Secretary-General to give a high priority to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical assistance in the field of human rights;

6. *Requests* the Centre for Human Rights to continue its efforts in order to enhance cooperation between the United Nations and regional and national institutions, particularly in the fields of advisory services and technical assistance and of information and education, including within the framework of the World Public Information Campaign for Human Rights;

7. *Emphasizes* in this regard the need to disseminate the "Principles relating to the status of national institutions" as widely as possible and to utilize them fully;

8. *Affirms* the role of national institutions, where they exist, as appropriate agencies for the dissemination of human rights materials and other public information activities under the auspices of the United Nations;

9. *Recognizes* the important and constructive role that non-governmental organizations can play in cooperation with national institutions for the better promotion and protection of human rights;

10. *Takes note* with appreciation of the report of the Secretary-General (E/CN.4/1993/33);

11. *Welcomes* the holding of a meeting of national institutions within the framework of the World Conference on Human Rights and also welcomes the fact that representatives of national institutions have been invited to participate as observers in the World Conference and associated meetings;

12. *Requests* the Secretary-General to finance attendance by representatives of national institutions from developing countries at the World Conference from the voluntary fund for the World Conference and invites Governments and intergovernmental and non-governmental organizations to contribute to the voluntary fund for this purpose;

13. *Also requests* the Secretary-General to bring the present resolution to the attention of the Preparatory Committee for the World Conference on Human Rights at its fourth session;

14. *Further requests* the Secretary-General to prepare a report for the World Conference on possible means of assisting the establishment and strengthening of national institutions through international cooperation;

15. Requests the Preparatory Committee to further consider ways of promoting the Principles relating to the status of national institutions and to bear in mind the report of the International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Paris in 1991 (E/CN.4/1992/43 and Add.1 and 2);

16. Requests the Secretary-General to continue organizing in 1993, following the World Conference, the international workshop referred to in his report, to include in the agenda of the workshop the issues of promoting the establishment of national institutions and strengthening existing national institutions through international cooperation, and to take into account the results of the meeting of representatives of national institutions within the framework of the World Conference;

17. Also requests the Secretary-General to give consideration to the results of the International Workshop held in Paris in 1991 as well as the results of other international meetings which build upon the Principles relating to the status of national institutions in the preparation of a manual on national institutions;

18. Encourages Member States and competent bodies to give appropriate attention to national institutions for the promotion and protection of human rights in the context of their preparations for the World Conference;

19. Decides to continue its consideration of the question at its fiftieth session, and in particular ways to study and promote the Principles relating to the status of national institutions.

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/56. Education and human rights

The Commission on Human Rights,

Bearing in mind that the international community has repeatedly recognized the importance of education as one of the fundamental rights of the human being,

Recalling that article 26 of the Universal Declaration of Human Rights reflects the consensus of peoples concerning the aims of education, which "shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace",

Aware that the lofty aims stated in the aforementioned article are reflected in the provisions of the majority of the international conventions that promote and protect economic, social and cultural rights, such as article 13 of the International Covenant on Economic, Social and Cultural Rights, and that article 29 of the Convention on the Rights of the Child provides that education shall be directed to the development of the child's personality, respect for human rights and cultural identity, and the preparation of the child for responsible life in a free society,

Taking into account the fact that the international community, inspired by these principles and realizing the urgent need to promote education, has established international and regional bodies for this purpose, such as the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund,

Convinced that the promotion of literacy worldwide can contribute to a better understanding of and respect for human rights,

Considering that significant efforts are being made by States and intergovernmental and non-governmental organizations to develop human rights education programmes,

Bearing in mind that these human rights education programmes have served to create a keen awareness, in the various regions of the world, of the high priority of the educational process and its importance for the promotion, dissemination and knowledge of human rights,

Taking into account the fact that human rights education is a universal priority in that it contributes to a concept of development consistent with the dignity of the human person, which must include consideration of the diversity of groups such as children, women, indigenous persons, racial minorities, the disabled and others,

Bearing in mind that knowledge of fundamental rights and mechanisms for their protection will permit the strengthening and consolidation of democratic processes,

Aware that human rights education involves more than merely providing information to the recipients and, rather, constitutes a comprehensive process depending essentially on respect for the human person, human dignity and the fostering of attitudes conducive to coexistence, justice and peace,

1. Calls upon States to step up their efforts to eradicate illiteracy and to provide the necessary facilities to ensure that the entire population has access to all-round education as an essential element in its development;

2. Supports the efforts of States that have initiated human rights education processes in the formal system of education, as regards both adjustment of the curriculum and development of teaching methods and resources suited to such programmes;

3. Recognizes the contribution made by intergovernmental and non-governmental organizations to this new human rights education process in the field of formal and non-formal education;

4. Urges all governmental and non-governmental educational agencies to coordinate their efforts so as to give their initiatives greater impact;

5. Calls upon States that have not yet done so to join in efforts to introduce all-round education as a matter of high priority, and to include within it the subject of human rights;

6. Recommends that knowledge of human rights, both in its theoretical dimension and in its practical application, should be established as a priority in educational policies;

7. Also recommends that, in devising such policies, particular account should be taken of the multi-ethnic character of the various societies and of respect for the identity and needs of groups such as minors, women, indigenous persons, racial minorities, the disabled and others;

8. Urges international agencies for financial and technical cooperation to include support for human rights education programmes as well as programmes for the promotion of literacy and to allocate funds for the realization of these programmes;

9. Recommends that the General Assembly take the appropriate measures to declare a decade for human rights education in the light of the recommendations of the International Congress on Education for Human Rights and Democracy of the United Nations Educational, Scientific and Cultural Organization, being held at Montreal, Canada, from 8 to 11 March 1993;

10. Requests the Secretary-General to submit to the Commission on Human Rights at its fiftieth session a detailed report on action taken in relation to the declaration of a decade for human rights education, for consideration under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/57. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling that the General Assembly, in its resolutions 41/153 of 4 December 1986, 43/140 of 8 December 1988 and 45/168 of 18 December 1990, affirmed the value of regional arrangements for the promotion and protection of human rights in the Asian and Pacific region,

Recalling also its resolutions 1988/73 of 10 March 1988, 1989/50 of 7 March 1989, 1990/71 of 7 March 1990, 1991/28 of 5 March 1991 and 1992/40 of 28 February 1992, *Taking note* of resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Recognizing the valuable contribution that could be made by national institutions in the field of human rights to the concept of regional arrangements,

Recognizing also that non-governmental organizations may have a valuable role to play in this process,

Taking note with interest of the report of the Workshop for the Asia-Pacific region on Human Rights Issues, held in Jakarta, from 26 to 28 January 1993, particularly the Chairman's concluding remarks,

1. *Welcomes* the report of the Secretary-General (E/CN.4/1993/31) and the progress achieved in the implementation of Commission on Human Rights resolution 1992/40;

2. *Requests* the Secretary-General to maintain a continuing flow of human rights materials to the library of the Economic and Social Commission for Asia and the Pacific;

3. *Encourages* all States members and associate members of the Economic and Social Commission for Asia and the Pacific and other parties to make full use of the depositary centre of that organization;

4. *Encourages once again* United Nations development agencies in the Asian and Pacific region to coordinate with the Economic and Social Commission for Asia and the Pacific in their efforts to promote the human rights dimension in their activities;

5. *Welcomes* the regional workshops on various human rights issues which have been held in the Asian and Pacific region, namely the Seminar on national, local and regional arrangements for the promotion and protection of human rights in the Asian region, held at Colombo from 21 June to 2 July 1982, the Asia-Pacific Workshop on Human Rights, held at Manila from 7 to 11 May 1990, and the Workshop for the Asia-Pacific region on Human Rights Issues, held at Jakarta, from 26 to 28 January 1993, all of which focused on national institutions and regional arrangements for the promotion and protection of human rights;

6. *Takes note with particular interest* of the decision taken and the preparatory steps being taken towards the establishment of national institutions for the promotion and protection of human rights by the Governments of India, Indonesia, Sri Lanka and Thailand;

7. *Welcomes* the interest of some Governments in the region in hosting an Asian-Pacific regional meeting in 1993/1994 to follow up the

discussion on the region's consultative mechanism and, in this regard, requests the Secretary-General to facilitate the realization of that activity under the regular budget for advisory services and technical assistance;

8. Encourages all States in the Asian and Pacific region to consider further the establishment of regional arrangements for the promotion and protection of human rights in the region, taking into account the various approaches and mechanisms identified in the Chairman's concluding remarks at the Jakarta workshop;

9. Appeals to all Governments in the Asian and Pacific region to consider making use of the possibility offered by the United Nations to organize, under the programme of advisory services and technical assistance for the promotion and protection of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs;

10. Requests the Secretary-General to give adequate attention to the countries in the Asian and Pacific region as regards benefiting from all the activities under the programme of advisory services and technical assistance in the field of human rights, particularly in the light of the interest in the region in developing national institutions and regional arrangements for the promotion and protection of human rights;

11. Encourages all States in the Asian and Pacific region to consider ratifying or acceding to the various human rights instruments;

12. Requests the Secretary-General to consult the States in the Asian and Pacific region on the widest possible basis in the implementation of the present resolution;

13. Also requests the Secretary-General to submit to the Commission at its fiftieth session a report incorporating information on the progress achieved in the implementation of the present resolution;

14. Decides to continue its consideration of the question at its fiftieth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/58. Effective functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States in regard to human rights and of the existing international standards in this regard

The Commission on Human Rights,

Recalling General Assembly resolution 43/115 of 8 December 1988 and its own resolution 1991/20 of 1 March 1991 concerning the effective functioning of bodies established pursuant to United Nations human rights instruments,

Bearing in mind the latest reports of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Group of Three and the Committee on the Rights of the Child, among others,

Recalling its various resolutions in which it created a substantial number of thematic or country special rapporteurs, special representatives, independent experts and ad hoc working groups, all of which are non-treaty mechanisms,

Bearing in mind that, pursuant to Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1 (XXIV) of 13 August 1971, the mechanism was duly established and implemented for dealing with communications relating to allegations of violations of human rights and fundamental freedoms in any country, within the confidential procedure,

Considering that other organizations of the United Nations system, such as the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, have also established various mechanisms for the promotion, protection and full realization of human rights and fundamental freedoms,

Considering also that, in view of the substantial increase in recent years in the number of mechanisms created in this sphere, many countries, particularly developing countries, have to prepare numerous periodic reports and answer a wide range of requests for information on facts or situations said to exist in those countries, requests that cannot be fully met as required or within the requisite time-limits,

Mindful of the need to pay due attention to the possible simplification, rationalization and improvement of the methods of work of all the existing mechanisms and of fostering a broad exchange of views to achieve more effective functioning of these mechanisms,

Recognizing the important role that should be played in this regard by the Centre for Human Rights, in its capacity as the coordinating centre for human rights within the United Nations, Recalling General Assembly resolution 31/130 of 16 December 1977 and its own resolutions 1989/48 and 1989/54 of 7 March 1989, 1991/30 of 5 March 1991, 1991/79 of 6 March 1991, 1992/39 of 28 February 1992 and 1992/83 of 6 March 1992,

1. Expresses its conviction that the strengthening of the role of the United Nations system in the promotion, protection and full realization of all human rights, in keeping with the Charter of the United Nations, requires increasingly efficient functioning of all the existing or any future mechanisms, as well as suitable methods of work of the Commission on Human Rights;

2. Requests the Secretary-General to submit to the Commission, at its fiftieth session, a report on:

(a) The original mandates assigned to the various treaty and non-treaty mechanisms established for the supervision, investigation and monitoring of the implementation of the provisions of international legal instruments and standards in this regard;

(b) The international legal norms and standards on which existing non-treaty mechanisms now base their activities, as well as the conceptual framework, methods of work and procedural rules that each has deemed it advisable to apply in the discharge of its mandate;

(c) The various norms, criteria and practices established by each of the various existing mechanisms in regard to the admissibility of communications, as well as the preliminary consideration and evaluation of communications, their referral to the interested parties and the subsequent course followed in connection with them;

(d) The criteria used in practice by the Centre for Human Rights to channel communications received on these issues either to existing public machinery or to bodies provided for in the confidential procedure established under Economic and Social Council resolution 1503 (XLVIII), together with the legal foundation for such criteria;

3. Also requests the Secretary-General to make the report available to the World Conference on Human Rights for consideration under item 12 (c) of its agenda;

4. Decides to discuss the report at its fiftieth session, under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

63rd meeting
9 March 1993
[Adopted by a roll-call vote of 33 to 16
with 3 abstentions. See chap. XI.]

1993/59. Strengthening of United Nations action in the field of human rights through the promotion of international cooperation, and the importance of non-selectivity, impartiality and objectivity

The Commission on Human Rights,

Aware of the fact that the promotion, protection and full realization of all human rights and fundamental freedoms are legitimate concerns of the world community,

Bearing in mind that one of the purposes of the United Nations is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Bearing in mind also that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Recalling that, in accordance with Article 55 of the Charter of the United Nations, the Organization shall promote universal respect for, and observance of, human rights and fundamental freedoms for all, with a view to creating conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and that, in accordance with Article 56, all Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55,

Desirous of further strengthening international cooperation in the field of promoting and encouraging respect for all human rights and fundamental freedoms,

Deeply convinced that such cooperation should be based on the principles embodied in international law, especially the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments,

Convinced that, in order to be fully effective in the field of human rights, this cooperation should in addition be based on a deep understanding of the wide variety of problems existing in all societies and on full respect for the political, economic and social realities of each of them, in strict conformity with the purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Bearing in mind the important contribution that accurate, impartial and objective information can make to achieving such understanding and full respect, Recalling General Assembly resolutions 32/130 of 16 December 1977, 37/200 of 18 December 1982, 41/155 of 4 December 1986 and 43/155 of 8 December 1988,

Bearing in mind General Assembly resolutions 2131 (XX) of 21 December 1965, 2625 (XXV) of 24 October 1970 and 36/103 of 9 December 1981,

Aware of the fact that the promotion, protection and full realization of all human rights and fundamental freedoms as legitimate concerns of the world community should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends,

Underlining the paramount responsibility of each State to promote, protect and secure the full realization of all human rights and fundamental freedoms and the duty that all Governments have to carry out the obligations they have undertaken under international law, especially the Charter of the United Nations, as well as various international instruments in the field of human rights, and to respect and enforce, in good faith, their domestic legislation in conformity with those instruments,

Affirming the importance of the objectivity, independence and discretion of thematic and country special rapporteurs, as well as members of the working groups and bodies established in compliance with United Nations human rights instruments, in carrying out their mandates,

Considering General Assembly resolution 47/122 of 18 December 1992 and the annex thereto,

Bearing in mind its resolutions 1991/79 of 6 March 1991 and 1992/39 of 28 February 1992,

Reaffirming General Assembly resolutions 45/163 of 18 December 1990, 46/129 of 17 December 1991 and 47/131 of 18 December 1992,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples, all peoples have the right to determine freely, without external interference, their political system and to pursue their economic, social and cultural development and that every State has the duty to respect that right within the provisions of the Charter of the United Nations, including respect for territorial integrity;

2. Reaffirms that it is a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote, encourage respect for and achieve the full realization of all human rights and fundamental freedoms and to remain vigilant with regard to any violations of human rights wherever they occur;

3. Also reaffirms that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

4. Expresses its conviction that an impartial and fair approach to human rights contributes to the promotion of international cooperation and to the promotion, protection and effective realization of human rights and fundamental freedoms;

5. Calls upon all Member States to base their activities for the promotion, protection and full realization of all human rights and fundamental freedoms, including the development of further international cooperation in this field, on the Charter of the United Nations, the International Covenants on Human Rights and other relevant international instruments and to refrain from activities that are inconsistent with this international legal framework;

6. Invites Member States, as appropriate, to consider adopting, within the framework of their respective legal systems and in accordance with their obligations under international law, particularly the Charter of the United Nations, and the international human rights instruments, measures which they deem suitable for furthering international cooperation for the promotion and development of respect for human rights and fundamental freedoms;

7. Reaffirms that such cooperation should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights, to the promotion and full realization of all human rights and fundamental freedoms and to the strengthening of international peace and security;

8. Underlines, in this context, the continuing need for accurate, impartial and objective information on the political, economic and social situation and events in all countries;

9. Requests all human rights bodies within the United Nations system, as well as special rapporteurs, special representatives, independent experts and working groups appointed or established as special procedures, duly to take into account the contents of the present resolution in carrying out their respective mandates;

10. Recognizes the valuable role that non-governmental organizations can play in the field of human rights;

11. Takes note of the report of the Secretary-General (E/CN.4/1993/30);

12. Also takes note of the fact that the World Conference on Human Rights will make recommendations to ensure universality, objectivity and non-selectivity in the consideration of questions relating to human rights;

13. Requests the Secretary-General to continue gathering information and comments from all Member States on the basis of the present resolution, for their timely transmission to the World Conference, so that they may be considered in adopting relevant proposals, including various ways and means of strengthening United Nations action in this regard;

14. Also requests the Secretary-General, on the basis of the comments made by Governments, to prepare and submit to the Commission on Human Rights,

at its fiftieth session, a comprehensive report on various ways and means of promoting international cooperation and strengthening United Nations action in the field of human rights in accordance with the principles of non-selectivity, impartiality and objectivity;

15. _Decides_ to continue its consideration of this question at its fiftieth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/60. _Situation of human rights in the Sudan_

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 47/142 of 18 December 1992 on the situation in the Sudan,

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, as described in, _inter alia_, the reports submitted to the Commission on Human Rights at its forty-eighth session by the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, and at its forty-ninth session by the Special Rapporteur on the question of religious intolerance,

Noting the announcement by the Government of the Sudan of its intention to constitute an independent judicial inquiry commission to investigate the killings of Sudanese employees of foreign relief organizations,

Noting also the widespread conditions of armed conflict existing within the Sudan,

Deeply concerned that access by the civilian population to humanitarian assistance has been impeded, but welcoming the recent dialogue between the Government of the Sudan, donor Governments and international non-governmental organizations regarding delivery of humanitarian aid,

Alarmed by the mass exodus of refugees into neighbouring countries and the large number of internally displaced persons and victims of discrimination in the Sudan, including members of minorities who have been forcibly displaced in violation of their human rights,